

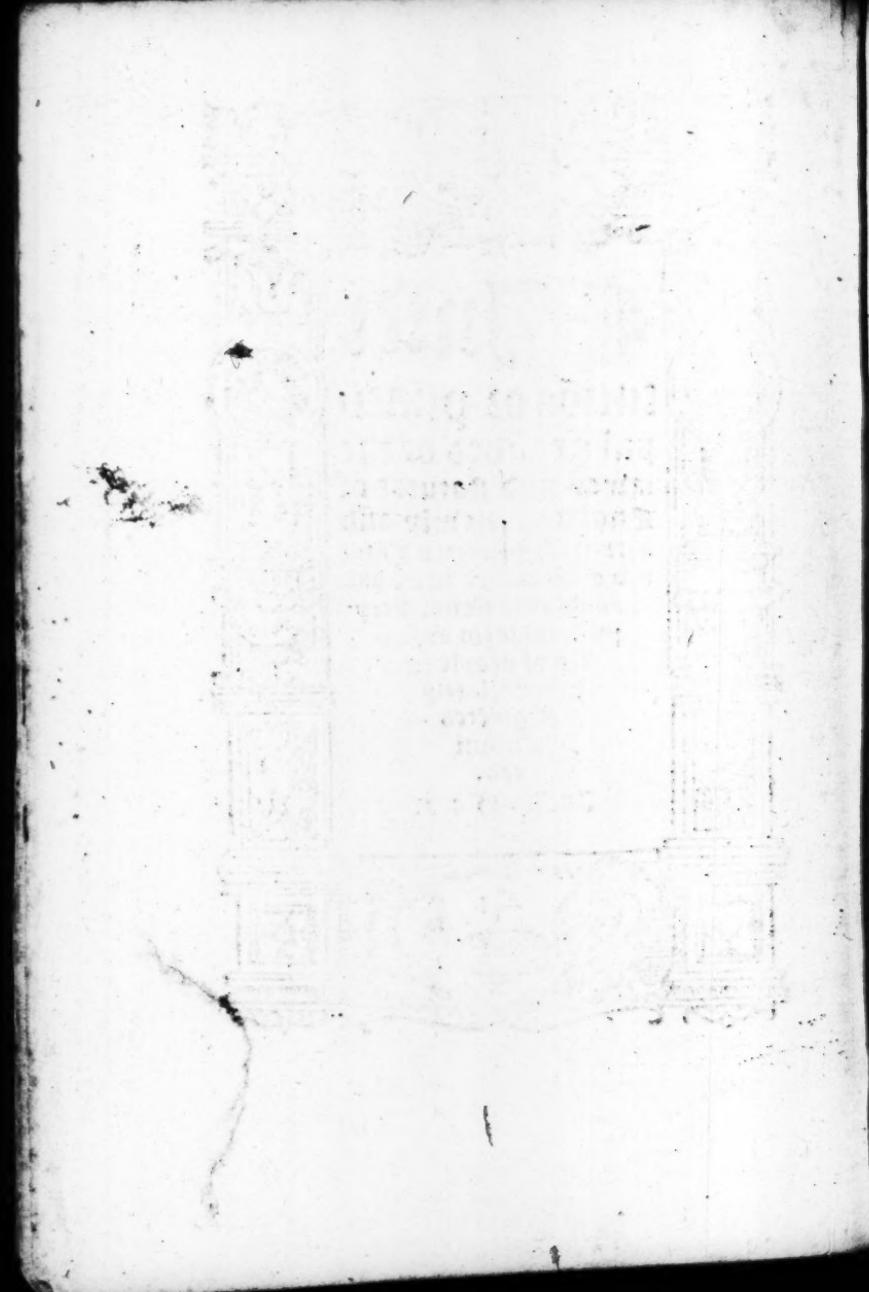
Cx

# Insti

tutioē or princi-  
pal groudes of the  
lawes and statutes of  
Englande, newly and  
very truly corrected & ame-  
ded with manye newe and  
goodly addyctions, very  
profitable for all sortes  
of people to  
knowe, lately  
augmēted  
& impri-  
ted.

An. D. 1547.

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## The prologue of the aucthour to the reader.



**C**inosthenes the renowned Oratour defyneth lawe in this wyse. The lawe (sayth he) is the thyng that al men ought to obey for manny skylles, but in specallype bycause lawe is the iuris-  
tron, and also the gyfte of God, the decrees of  
pudent men, the chastylement of wylfull, and  
unwylful offences, & synnalipe the comon surete  
of a Realme, whereby it becommeth all men to  
lyue, whiche be conuersaunt in the same. Chrys-  
syppus also, an excellent phylosopher, thus bes-  
gynneth his boke of lawes.

**C**he lawe is kyng of all, aswell diuine as  
humayne affayres, the president and controller  
of thynges honest, and dyshonest, the Prynce,  
Captayn, and ruler, of the luste, and iustis, and  
it is of Liuile creatours, aswell the comman-  
der, what they ought to do, as the forbydder,  
what they ought nat to do. These auncryke  
sayenges of wylle men, assuredly ought muche  
to inflame vs to the knowlege of thols thinges  
without whiche we shalbe esteemed no men, but  
as brute and savage beastes. Let vs nat com-  
myte, that it be sayde of vs Englyshemen, as  
it was ones sayde of the men of Athens, that  
is, that we make verye goodlye and profitayle  
lawes, but we vse the nast. Certaynly there can  
be no greater reproche to a common weale then

*Thus Romanus*

### The preface.

this. One lesson I wolde we lerned of the a-  
cyent lawyer Romayne named Celsus, & that  
is this. The knowledge of lawes is nat to bere  
awaye the wordes but the pres and power of  
them. Thys he wroote bycause there be manys  
whiche whē good and holsome lawes be made,  
seke nat to se them exectuted, and obserued, but  
rather howe to defraude the and to haue them  
ynercuted, which kynde of people after þe sen-  
tence of moste acyente lawmakers be no lesse  
worþy of reprehensyon than they which do ex-  
preſſely agaynst the lawe. Nowe, they do (saye  
they) agaynst the lawe whiche do the thyng, þe  
lawe forbydeth. And they t̄ defraude a lawe  
or statute, whiche the wordes of the lawe saud,  
do circumuen the meanyng and sentence  
of it. Let vs then so reade the lawes, that  
we may beare away the sentence and  
make of them, and so fulfyll and  
obserue the lawes, that it may  
appere that they were nat  
made in vayne.

Thus

doyng, we shall please God, we shall  
be obed̄t̄ subiectes to our Prynce  
and fynally we shall seke our  
owne weale and  
lauety.



what is lawe.

Fo. iii.

**H**e lawe is the dyrec-  
cyon & mynistracion of Justice  
And justice is (as thempstreoue  
Justinian sayeth in his Insty-  
tucyons) a constant and per-  
manente wyll to render unto

The learnynge or prudencie of lawe, is a  
knowlege of dhuine & humane thynges a sciencie  
and perfite notyce of equitye and iniquytie, of  
ryght and wronge.

Nowe for asmuche as a great porcion of  
the prudencie of sciencie of the lawes of this re-  
alme of Englade consisteth in the perfyte know-  
lege of estates, whiche men haue in landes and  
tenementes: we haue fyrt as compedioully, and  
as symply and playnlye as we can, treatre some  
what of estates.

**C** A diuision of estates.

**Y** shall therfor under  
stande, that whosoeuer hathe  
any state in landes or tenemen-  
tes, eyther he hath in the same  
only a chatell, or a hold, or  
inheritaunce. Yf he hathe an  
estate but for termes of certayn  
peres, or at his lanlordes wyll, so it is called  
a chatell, yf for terme of hys lyfe or at another  
mans lyfe, it is called a freeholde. And if he hath  
it to hym and to his heires in fee syngle, or in  
tyme: then he hath a state of inheritaunce.

a Diuisiōn of estates

Chatell.

Freeholde

Inher-  
itaunce.

**C** Tenantes for termes of peres.

¶. iii.

Tenant

## Tenaunt for yerres.

**T**enaunt for terme of yerres, is he to whos landes or tenementes be lette for terme of certayne yerres, as is agreed betwene the landlorde and the tenaunte. And when the person to whom such lease is made doth entre by force of the sayde lease, and is in possessyon of the same then he is called tenuant for terme of yerres.

Rente re-  
serued.

Action of  
Deite.

A good  
plee,

Iuyerpe  
of season  
nede not  
in lease  
for terme  
of yerres.

**C**And here ye shall note, that yf the lessour, þ made the lease hath reserved unto hym a yeresly rent vpon the sayde lease (as it is accustomably vsed to be done) yf the rent be behynde unpayde, it shalbe in his election eyther to entre & dysstrayne for the rent, or to bryng an accyon of Deite agaynst him at the lawe for þ arrengages of þ same. But in this case it is requisite, that the lessour were sealed of the landes or tenementes at the tyme of the makyng of the lease for otherwyse it shalbe a good plee in the accion of Deite for the tenuant to say, that the lessour had nothyng in the lande and tenement at the tyme of the lease made: excepte the lease were made by dede endented, for then the plee shall nat lye in the tenuants mouthe to pleide.

**C**And it is to be knowen, that in a lease for terme of yerres, whether it be by dede or without dede, there nedeth no iuyerpe of season to be made to þ lease, but he may ente when he wyl by vertue of his lease, without any further ceremony of the lawe.

**C**Also yf a man lesseth landes for terme of yerres, though the lessour chaunseth to dye before the lease doth ente, yet he may ente wel knought. Otherwyse it is wher yuery of seaso is to be made, as in free holdes and inheritance.

Also

Tenaunt at Wyll. Fo. iiiii.

**C**Also of the tenuant for yeris doth wast, the  
ladioride may bryng an accouz of wast agaynt  
hym, and Mai recover the place, wasted, and his  
treble damag:es.

Waste.

3<sup>66</sup> claming do

**C**Also of a lease for yeris he made of .it. lures  
all thynges, and after the one is recouere d the  
lese shall holde the other, and the rent or fermes  
halbe appoysoned. M.12. D.8.

**C**Also of the tenuant for yeris graūteth a gree  
ter estate in the lande, than he hathe hym selfe,  
wherby he eouereth the fee syngle to hym selfe  
he shall forfayte his lease or terme.

forfay  
tue

**C**Tenaunte at wyll.

**T**Enaunte at wyll is he to whome landes  
or teamentes be lessed to haue & holde  
the same at the wyll of the lessour. And  
in this case the lessour may put out his tenuante  
at what tyme hym lysethe. But yet neverthe  
lesse, yf the tenuante haue sownd the groundes  
with corne, in this case yf the lessour wyll entre  
and put out his tenuante before Harueste, the  
lawe wyll gyue hym free comyng and goynge  
to reape and cary his corne awaie without as  
yf punysshement or damages to be sustayned  
for his so doyng bycause he knew nat at what  
tyme the lessoure wolde entre. But otherwylle  
it is of the tenuant for certayne yeris, for yf he  
sownd the grounde, and the terme of the leasse  
be come out & expyzed before the corne be ripe,  
in this case yf lessour or he in the reuersyon may  
entre & take the corne, bycause it was the folge  
of the tenuant to sowe the grounde, knowyng  
the ende of his terme.

**C**In lyke wyle tenuant at wyll Mai haue free  
D.iii. comys

## Tenaunt at Wyll.

comyng and goynge after the tyme of the lessoures entree, to caray away his housolede bosome and goodes to a reasonable space.

**C**Ye shall also vnderstāde, that he þ maketh a lease at wyll, may reserue an annuell or peresly rente, in whiche case yf the rent be behynde, he may entre very well and dystrayne þ goodes and chatelles of the tenant, or at his election he may byynge an accyon of Dette agaynst hym.

**C**Also it is to be knownen, that tenant at wyl of a mesle or tenant is nat bounde by the ordre of the lawe to sustayne and repayre the houses that be decayed and rynouse, as is the tenant for peres, and therfore none accyon of Waste lyeth agaynst hym.

Yet þf he do wylful waste as þf he plucketh downe the houses, or cutteth downe the trees: it hath bene thought by the sagis of the lawe, that the lessour may byynge an accydon of Trespas agaynst hym and shal recover his losses thereby sustayned.

**C**And yf such a tenant dye and his heire entre in that case the lessour may haue an accion of Trespas agaynst the heire.

**T**enaunt by coppe of court rolles.  
Here is another kynde of tenant at wyl whiche is called tenant by coppe of the court rolles. And this is when a man is sealed of a maner within whiche, it hath bene vsed tyme out of mynde, that the tenuantes within the boundes & precincte of the sayde maner, haue holden lades and tenementes to them and to theyr heires in fee symply, fee tayle, or for terme of lyfe, at the wyll of the lordes whom dyngte to the custome of the maner. And such a tenant

Dystryss  
or els ac-  
eyon of  
Dette:

Waste.

Trespas

## Tenaunt by copy. Fo. v.

tenaunt, can nat alyne or sell his lande by hys  
dede, for yf he do, the lande or tenement that is  
so alpened and solde, is forfayte into the lordes  
handes, but yf he wyll alyne hys copy holdes  
lande to another, he must accordyng to the cus  
tome, come into the lordes court, and there sue  
rendze it into the lordes hande, to the behoufe  
and use of hym that shall haue the state. The  
forme of whiche surrendre is comonly vsed to  
be this.

**G** Id hanc curiam venit I. de B. et sursum  
reddidit in eadem curia vnu mesuagium. &c. in  
manus dñi ad ultum L. de D. et herebū laorium  
vel heredum de corpore. &c. Et saper hoc venit  
predictus L. de. D. et cepit de dñio in eadem cu  
ria mesugium predictum, habendum et tenen  
dum sibi &c. ad voluntatem dñi secundum con  
suetudinem maneris, faciendū inde redditus, leis  
uicia, et consuetudines inde prius debitas et cons  
uetas. &c. Et dat domino pro fine. &c. Et fecit  
domino fidelitatem.

**C** These as I sayde be called tenautes by cop  
pie of court rolle, bycause they haue none other  
evidencye to shewe concernyng theyr landes, saue  
only þ copyes of þ rollis of theyr lordes court.  
**C** Neþher can these tenautes sue or be sued  
for such landes, in the kynges court, be wryt,  
or otherwyse, but yf they wyll in any wyse im  
plede or sue others for such copie landes, they  
must do it by way of playnt in the lordes court  
after this sorte.

**G** I. de. B. queriter versus L. de D. de pla  
cito terre, videlicet de uno mesuagio xl. acris  
terre, iiiii. acris prati. &c. cum pertineat. Et facit playnt,  
protestationem sequi, querelam istam in natura  
brenis.

Tenant at will  
cannot alienate  
out of his lord's  
control.

Surren  
der

The for  
me of sus  
tender.

## Of courte tolle,

brevis dñi regis assise moris antecessoris ad co-  
mune legē vel. & plegit de psequēdo. F. G. &c.  
¶ Howe althouge some such tenautes haue  
an inheritance accordyng to the custome of þ  
maner, yet in very dede they are but tenautes  
at the wyll of the lordē. For as some me thynke  
þf the lordē wyll expell them and put shē forthe  
they haue no remedye at all, but to sue vnto  
þeir lordē by waye of petition, desyryng hym  
to be good and gracyous lordē vnto them. For  
þf they myght haue any remedye by the lawe  
then shulde they nat be called (saye they) tenautes  
at the wyll of the lordē after the custome of  
the maner. But other men of no leste learnyng  
and prudence haue bene of contrarye sententes:  
as lordē Wyā chiefe Justice, in þ tyme of kyng  
Edwardre the iii. whose opinion was all ways  
that þs such tenaunt by the custome (payeng  
þys seruycis) be elected and put forthe by þys  
lordē without cause reasonable, he may verye  
wel bryng þ maynaynre an accion of Trespas  
agaynst his lordē at the cōmon lawe: as appea-  
reth termino Hilaris anno. xxi. E. iii. Also lordē  
Danby chiefe Justice in lykewylse, was of the  
same iugement: as appeareth termino. M. an.  
vii. E. iii. where he sayeth, that the tenaunt by  
the custome is as well inherytable to haue þys  
lande after the custome, as is he that hathe a  
free holde at the common lawe, but the deters  
mynatior of this question I remye to my great  
maysters, which can solue the knottes and enti-  
gmaes of the lawe.

¶ forasmuch as yet styl of this matter, Law  
sidi certant & adhuc sub iudicelis est.

¶ Also ye shall understande, that the usage of

Accyō of  
Trespas

Tenaunt by copye Fo. vi.

Some manours is when the tenuant wyl surrender is lande to the vse of another, that he shall take a wande or rod in his hande, and deluer it to the stewarde of the court, and the stewarde shall deluyer the same wande in name of leysin to hym that shall take the lande: and such a tenuant is called, tenuant by the verge. Divers other customes there be of surrendryng of copy holde landes, whiche here for tedvousesse I wyl ompte. And forasmuche as tenuantes by custome of the Manour, haue by the course of the comon lawe no free holde: therfore they by called tenuantes of base tenure.

¶ Also yf such a tenant letteþ to ferme his waste coppe holde lade, for lenger tyme then a twelfe myrs, mouneth and a day without the lordes lycence it is a forfayture of his lande to the lord.

¶ And knowe ye that yf this tenuant sell any tymber, that groweth vpon the lande but onely for the reperacyon of the same, this is waste and a forfayture of his coppe holde.

¶ Hythereto haue I treated of the fyfth membre of our division, that is to wyt, of chatelles for as I sayde, al leases for termes of yerres, and at wyl be accpted in the lawe but as chatelles and be cōþyssed vnder that name saue that they be called cattelles reals, where as

hyne, oxen, horses, money, plate,  
corn, and such lyke be cal-  
led chatell personalles.

Chatelle  
real and  
personal.

Nowe we  
wyll procede to the explanation of the  
seconde membre that is to  
saye, of free  
holdes.

free

## A dyuyson of free holdes.

**F**ree holdes or frank tenementes a man may haue in sondry wyls, for cyther he is sealed for terme of his owne lyfe, or for terme of anothermans lyfe. If he be sealed for terme of his owne lyfe, cyther he hathe gotten suche estate by way of purchase, or els the lawe hathe impied hym therunto. I call it by purchase, whether he cometh vnto it by hys owne bargaynyng and procurement, or by the gyfte of his frynde, and I call it by the operacion and intelyng of the lawe, when a man marrieth a woman that is an inheryter, and hath issue by her, and she dyeth, nowe shall he haue the landes duryng his lyfe, by the course of the lawe, and shalbe called tenuant by the curte sye of Englaunde.

**T**enant by pur-  
chase.  
**T**In lykewyls, if a man be sealed in see syng-  
ple: or fee tayle of landes, and takethe a wyls,  
and he dyeth, the lawe gyueth vnto the wyfe  
the chyrdre parte of oure husbandes landes, for  
Tennant terme of her lyfe, and she shalbe called tenuant  
in dower in dower.

**T**Tenant for terme of lyfe.

**T**Tenant for terme of lyfe, is he that hol-  
deth lades or tenementes for terme of his  
owne lyfe, or for terme of anothers lyfe.  
Howe be it the most frequent, and common ma-  
ner of speakyng, is to call hym that hath estate  
for terme of his owne lyfe, tenuant for lyfe, and  
hym þ hathe estate for terme of anothers lyfe,  
tenant for terme douter vie, that is to saye,  
tenant, for terme of anothers lyfe.

**T**Ye shall note, that lyke as he that makethe  
the lease is called the lessour, and he to whome

the

Tenaūt for terme of lyfe. Fo. vii.

the lease is made, is called the lessee, so he that maketh a fessement is called the lessoure, & he to whom the fessement is made the feffee.

¶ Also yf tenaūt for terme of lyfe, or tenaunte for terme of another mans lyfe do waste, the lessour or he in p reversion shal myntayn very well an accyon of Waste agaynst hym, and shal by the same recouer treble damages.

¶ Fynally, ye shal understande that by an acte of Parlyament made in the .xxvii. yere of oure souverayne lord that nowe is, kyng Henry the viii. it is enacted that no free holde, nor estate of in heritaunce shal passe nor take effecte by reason of any bargayne and sale, except that same be made by wrytyng indentured, sealed, and enrolled, in one of the Kynges manerwyses courtes at Westmynster, or els within the same countie where the lande doth lyve, before the custos Rotulorum, and iiij. Justyses of peace and the clerke of the peace of the same countie, or two of them at least, of whiche the sayde clarke shalbe one, and that suche enrollement be made within syze monethes after the date of suche wrytyng. And for the enrollement of everye suche wrytyng, where the lande compysed therin is nat about the perely value of fortye shyllinges, they shall take two shillinges that is, twelve pence to the Justyses, and xii. pēce to the clarke. And yf the lade be aboue the perely value of xl s. then they shall take v. s. that is, ii. s. and. vi. d. to the Justyses, and ii. s. and. vi. d. to the clerke, whiche shall enrolle and ingrosse suffyciently in parchement suche dedes and wrytynges, and at everye yeres ende he shal deliuer the same to the Custos Rotulorum of the same countie, to remayns

Waste purifid  
3<sup>rd</sup> cl. magis.

In. 27.  
H. 8.

## Tenauntes by the curtesye.

In his custody amoge other recorders of þ same counte, so that the partyes resortyng ther may se them. Provided, that this extende nat to any tenemetes or heredytametes brenge Wm arr cyte or towne corporate wherci þ Wmires Recorders, or other offyceers haue auctoriteye or haue lawfully bled to enrolle any eydences or wypyngeis within theyp precynce.

## C Tenaunt by the curtesye.

**T**enaunt by the curtesye of Englande is he that hath marayd a wyfe inheryted, & hath had yllis by her, & she is deade, in this case the lawe of Englânë gnyteth and suffreth the husbande of suche wyfe to receyue and kepe all his wypes lande that he had eyther in fee simple, or fee tayl so longe as he liueth. And this is by the curtesy and urbanitie of Englande, for this thynge is vsed in none other countrey nor regyon.

**C** But in this case it is required þ the chylde be vytall, that is to saye, be borne and brought forth into this worlde alvyue & therfore the chylde in sayeng is, & hath ben, that onles þ chylde be harde crye, the fathur shal nat be tenuant by the curtesye, for the onely proue and argument of lyfe in an infant borne is þ vagarie & cryeng.

**C** Ye shal furthermore understande, þ onlesse the husbande be in actuall and reall possessyon of his wypes landes, and sealed of them in her ryght, he shall nat be tenuante by the curtesye after her death. And therfore þ landes dylike to a mans wyfe, so that he is tenuante in the lawe, and to every mans accion, yet þ the husbande haue nat made an actuall entere duryng  
child hard cry  
couerte

Tenaunt by the curtesye. Fo. viii.  
couverture and matrimony berwene the he shal  
nat be tenaunt by curtesye, for it shall be repu-  
ted and iudged his folys and negligencie that he  
wolde nat entre in her lyfe tyme.

¶ Otherwyse it is of aduousōs, rētes, comōs  
and iuche other thinges, which for hwhit, whē  
they discende, be in a man or woman without  
any entre or further ceremony of lawe.

¶ Note that ys tenaunte by the curtesye of  
Englande wyl suffre or make any wast in the  
landes or tenementes that he so holdeith, he is  
punylshable therfore, by acciō of wast brought  
by hym in the reveryon.

¶ Also it is to be knowen that of thynges that  
ben in suspence, a man shall nat be tenaunt by  
curtesye, and therfore ys a man be tenaunt in fee  
symply of certayne lande, and doth entremary  
with a woman that is the scrignoress or ladye  
of the same and hath p̄sue by her, & she k̄perth,  
yet shall he nat be tenaunte by the curtesye of the  
lordshyppe or scrigny, bycause hym selfe is tes-  
taunte of the lande, and therfore the lordshyppe  
is suspended for the tymc, for a man can nat be  
both lord and tenaunt of one thyng, but if he  
had nat bene tenaunt of the lande he shulde haue  
had the lordshyp after the death of his wyfe by  
the curtesye of Englande very well.

¶ Also note that of a ryght onely a man shall  
nat be tenaunt by the curtesye, as ys a woman  
sole sealed in fee of lande or tenementes, be dys-  
syled, and after take a hūbāde, si d they have  
p̄sue, and she dye before any resure made, the  
husbande shall nat be tenaunte by the curtesye.

¶ Note further þ of a reuersyon, a man shall  
nat be tenaunte by the curtesye, as ys a woman  
sole

Waste,

no ten and lord of an  
Army

Note.

Note.

*eten bycavt of  
confiou.*

### Tenaunt in dower.

Cole leyed of lade in fee, make a lease to h. for  
terme of lyfe, after takeith a husbande and they  
hath yssue & the dye, leuyng p leasse for terme  
of lyfe, the husbande shal nat be tenuant by the  
curtesye.

### C Of tenuant in dower.

Dower  
of the o-  
mō lawe.

Dower  
by custode

To the best of  
the fyn baw shai  
no p̄t: i. t. the  
wifē

Tenuant  
by p cur-  
tesye.

Tenaunt in dower, is she that hath bens  
maried to an husbande p was duryng  
the marrymonye, betwene thē, leased of  
landes or tenementes in fee symply, or se raple  
whiche is nowe deade and she leyed of p thyde  
parte of her husbandes layde landes for terme  
of her lyfe. For by the comon lawe of the lande  
yk the husbāde be at any tymē durynge p cou-  
ture sealed lawfully whether it be by purchase  
or by dyceint, eyther in fee, or in tayle, and dye  
his wyfe ought to be endowed by the coulre of  
the comon lawe of the thyde fote. And in somis  
places by an aūcypent custode she halve indowēd  
of the moyte, yea & though the husbāde were  
never sealed actuallē duryngh the coulre, yet  
yk the landes be cast vpon hym by the lawe, so  
that p lawe calleth hym tenuant to every mans  
accyon, it suffyceth the woman to demaungh her  
dower, for it were vnresounable, that the negly-  
gence and slackenes of entryng of the husbāde  
shulde hurte the wyues tyre.

Otherwyle it is, as is sayd before, of tenant  
by the curtesye, for yf landes descended to a wo-  
man couert and the husbāde for slothfulness  
or negligēnce doth nat entre in his wyues lyfe  
he shall nat be tenuant by the curtesye, for by  
lawes p wyfe ouerly obediēnce and subiecion

In dower.

Fo. ix.

to her husbande and therfore she can nat cōpell hym to ente, but when landes dyscended to the wylle, the husbande onely hath power to ente at his pleasure.

**C** And ye shall understande, that onelis the wylle be passed the age of .ix. yeres at the tyme of her husbandes death, shal nat be endowed by the common lawe.

**C** But it is to be knowen that a woman may by dyuerse wapes estoppe and prelude her selfe shal haue of her dower: as yf she commyt any cryme, soz no dower which she is attaynedyt of treason, murder, or felonys, she gette in this case no dower, nat wan dynge she hath obtainedyd her pardone.

**C** Also yf after the death of her husbande she taketh a lease for terme of lyfe, of y lādes wherof she is indowable, she loseth her dower of the same. Moreouer yf she departeth fro her husbande and lyueth in adiouture with another man, and is nat reconciled agayne to her husbande wout coerciō of the ecclesiasticall power she leseth her dower after her husbandes death. She shalbe also barred of her dower if she wyl withholde from the heye, the charters, and custodys, cōcernyng that lāde wherof she asketh dower: But none other, saue the heye, can w holde her dower for this cause.

**C** It ought nat to be unknowen also of what thynges we may demaunde dower, and of what thynges nat. Of lādes, messuages, aduouisons, teny charges, ret seruyces, or leygnores ingrossle or other wylle, of byllaynes, of cōmons certyne, of estouers certayne, of mylles, and offyses, or of the prokyte of them, she is dowable. But of cōmons, and estouers sans nombre, al-

for In hystories a  
woman may lose her  
dower.

of what thynges a  
woman may dowable

## Of tenaunte.

so of annuitie, of homages, of thynges of pleasure, as of tenuyce of paymēt of roses, and semblable, he shall nat be endowed.

**T**here be yet two other kyndes of dower the one is called dowment ex assensu patris, þ is to say, by assent of the father, & the other is called dowmēt de la plus beale partie, That is to saye, of the fayrest parte.

**D**dowment ex assensu patris, is whan the father is sealed of landes in fee simple, and his lone whiche is heire apparant, endoweth his wyf, at the churche doze: whā he is espouseth of parcell of his fathers landes, with the assent of his father in wrytynge testifysenge the same assente þ in thiſ case her husbāde dye, she may forthwith entre into the lande, to assaygned ha to her without further appoyntyng of proces of lawe, althoughe the father of her sayde husbāde be yet aliue, and in actuall possesyon of the lande. But yf she thus do, and take her to this endowmēt at the church doze: she can nat haue her dower also by the comon lawe of the chyrdre parte of all her husbādes landes or oþer percell of them, howbeit yf he-wyl refuse this assaygnement made unto her at the churche doze and demaunde dower at the common law, she may so do very well.

**T**þis man may also endowe his wyf at the tyme of thespousales, of his owne landes, the which he hath in his owne possession, and that dower is called dower ad hostiuꝝ ecclesiæ that is to saye, at the churche doze.

**D**dowment De la plus beale, that is to say dowmēt of the fayrest parte shalbe in thiſ case whā a man is sealed of lades, whiche he holdeth

Dowment ad  
hostium  
ecclesiæ.

Dow-  
mēt de la  
þy beale.

If another man by knyghtes seruice, and of other landes whiche be of socage tenure, a hath issue, whiche is within the age of. xiiiij. yeres & yere, and the Lordis of whom the lande is holden by knyghtis seruice, entreth into the lande holden of hym and the mother of the chylde entreth into the socage tenure as gardayne in socage, ye in this case the woman wyl bryng a wyte of dower agaynst ylde whiche is a gardayne in cheualtrye, he may pleide the speyal matter and shewe, how she as gardayne in socage hathe so muche lande, and therupon pray the court that she maye be luffred to endowe her selfe of so muche lande, bryng in her owne custodye, as amoutereth to the thyrd parte of the hole landes.

¶ And then the iugement shalbe, that the gardayne in cheualtrye shal retayne the lande holden of hym quyte from the woman dnyng the noȝt age of the warde. After whiche iugemente and sentence gwyen, she maye go, and in presence of her neyghbours, and endowe her selfe of y<sup>e</sup> best parte of that whiche is in her custodye, amounting to the thyrd parte of the hole, and then is she called tennant in dower de la plus veale.

*3d of the Whole*

Fynally ye shall vnderstande, that by a stat<sup>e</sup> Anno. 27  
made in the xvii. yere of our most dreade Henr. 8.  
koueraygue Lordis Byng Henry the eyght, it is Capt. 104  
enacted, that where dyuerse persones haue estau-  
led made to them, and to they<sup>r</sup> wyues, and to  
the heires of the husbande, or to the husbande  
and wyfe & the heires of they<sup>r</sup> two bodyes, bes-  
totten, or the heires of one of they<sup>r</sup> bodyes, or  
for tyme of boþe or one of they<sup>r</sup> lyues, or to as  
my other persounes and they<sup>r</sup> heires to the vse of  
the husbande & wyfe or to, the wyfe alone, for  
B. ii. her

## Cftenaunte.

her soynstre: in every such case the wome shall  
not be suffered to demaunde any dower of the  
residue of her husbandes landes by whom he  
hath her soynster, agaynst any remount of þ law.  
But in case he hath no suche soynster: the may  
she demaunde her dower, aske the cours of the  
common lawe. Provided nevertheless, þt þt such  
women be lawfully expulst fro theys soynster  
or any parte therof without fraude or couyne:  
þt shall they be endowed of þ residue of their  
husbandes lades for as much as the lades shall  
amount vnto, out of whiche they were so expulst  
and put forthe.

**P**rovided also, that þt landes or tenementes  
be assured to any woma after mariage for  
term of lyfe or otherwile in soynstre, excepte  
þt be by acte of parliament: and the wyfe ouer  
lyke her husbande in whose tyme the soynstre  
was made: in this case þt wyfe may refuse þt  
lades so appoynted vnto her in soynstre, and haue  
her dower at þ common law, of such lades as her  
husbande was sealed of, at any tyme duringe  
the couerture.

*treason of her husband  
wher the wife her  
sister.*  
**A**lso yt the husbande commysseth treason  
murdre, or felonye for whiche he is attaynited,  
the wyfe shall nat haue he dower.

**A**nd note that þt the husbande entre into  
a hysbande taking into  
relygion, and is professed, the hysbre shall enter  
into the lande, but the wyfe gethē no dower  
till the husbande dyethe. **M. 3 2. C. 2.**

**A**nd lykewylle if a ma sealed of lades taken  
a wyfe that is an Alyen borne & bperþ, he shall  
nat be endowed, except she be made Denizyn by  
acte of parliament. **C. 3. H. 6.** And note that when  
the wyfe bynges a wyfte of dower, & recovereth  
her

*no alien is dower  
but by act of Parl.*

## A devision of inheritaunce. Fo. xi.

her ryght she shall recouere no damages, but  
where her husbande dyed sealed of the landes  
recouered.

Damas  
ges.

### The I devision of inheritaunce.

**H**ether I haue spokēn of free holdes,  
nowe it remayneth to treate of inheritaunces, nat that inheritaunces, be no  
free holdes, for they be free holdes also,  
but of the other estates of which I haue hereto  
fore treated be onely free holdes, & of no hygher  
nature where as a state of inheritance, althoughe  
it be a free hold. In dede, yet it is nat to be cal-  
led by name, syth it is after moare excellent and  
greater estate. But ye shall vnderstande, that of  
inheritaunces some be of moare amplitudē and  
excellēcy the other some be, as that inheritance  
which is pure symple, and without lymytacion  
of what heyses, whiche kynde of inheritance is  
called fee symple. But when I make a lymytacion  
of what heyses, then it is called fee tail  
of whiche also be two sortes, as hereafter more  
at large shalbe declared. Nowe therfore the na-  
ture of fee symple is setforth with our accus-  
med cōpendyousnesse.

*is not in heritaunce*

### Fee simple

#### ¶ Of fee symple.

**F**ee symple is (as I sayd) the most ample  
and large inheritance that can be in thys  
Realme diuy ned or exegitate, as þ whis-  
che a man bathe to hym & to his heyses symple  
without any further lymytacion, for wherere  
they be of his owne bodye begotten or nat, so  
that they be the nexte of his kynnes, and within  
the degrees it suffyeth.

**C**o the, tenant in fee symple is he that hath  
B. iii. landes

## Cftenaunte.

her loyniture: in every such case the woman shall  
nat be suffred to demaunde any dower of the  
relydue of her husbandes landes by whom he  
hath her loynter; agaynst any reyount of þ late.  
But in case she hath no suche loynter: the may  
she demaunde her dower, aloughe the course of the  
common lawe þ prouyded nevertheless, þ þt such  
women be lawfully expulst fr̄ theys loynter  
or any parte therof without fraude or couyn;   
þt shall they be endowet of þ residue of their  
husbandes lades for as much as the lades shall  
amour unto, out of whiche they were so expulst  
and put forthe.

**G** Prouyded also, that þt landes or tenement  
es be assured to any womā after mariage for  
termē of lyfe or other wyle (in loynture) except  
it be by acte of parliament) and the wyfe ouer  
lyue her hulbande in whose tyme the loynture  
was made: in this case þt wyfe may refuse þt  
lades to appoynted unto her inloynture, and haue  
her dower at þ common law, of such lades as her  
husbande was sealed to, at any tyme duryng  
the couerture.

**G** Also þt the hulbande commysseth treason,  
murdre, or felonye for whiche he is attayned,  
the wyfe shall nat haue he dower.

**G** And note that þt the hulbande entre into  
relygion, and is professed, the wyfe shall enter  
into the lande, but the wyfe getteth no dower  
yll the hulbande dyethe. **M. 3. 2. C. 2.**

**G** And lykewylse if a man sealed of lades taketh  
a wyfe that is an Alyen borne & dypeth, she shall  
nat be endowet, except she be made Denizyn by  
acte of parliament. **C. 3. H. 6.** And note that when  
the wyfe bynges a wyttie of dower, & reconuen  
her

*the son of the hulbande  
with the wifes her  
dower*

*a hulbande taking into  
relygion the wif  
shall nat be endowet  
till his death.*

*no alien = dower  
but by act of parl.*

## A devision of inheritaunce. Fo. xi.

her ryght she shall recouere no damages, but  
where her husbande dyed sealed of the landes

Damas-  
ges.

### A devision of inheritaunce.

**H**Ere I haue spoken of free holdes,  
nowe I remayneth to treate of inheritaunces, nat that inheritaunces, be no  
free holdes, for they be free holdes also,  
but of the other estates of which I haue hereto  
fore treated be onely fre holdes, & of no hyghe  
nature where as a state of inheritance, althoughe  
it be a free holde in dede, yet it is nat to be cal-  
led by name, syth it is after moze excellent and  
greater estate. But ye shall vnderstande, that of  
inheritaunces some be of moze amplitudne and  
excellencye the other some be, as that inheritance  
which is pure symple, and without lymytacion  
of what heyses, whiche kynde of inheritance is  
called fee symple. But when I make a lymytacion  
of what heyses, then it is called fee caple  
of whiche also be two sortes, as hereafter more  
at large shalbe declared. Nowe therfore the na-  
ture of fee symple is seckorsh with our accus-  
med cōpendyousnesse.

*Caple not in heritaunce*

### Fee simple

#### ¶ Of fee symple.

**F**EE symple is (as I sayd) the most ample  
and large inheritance that can be in thys  
Realme diuy ned or exogestate, as þ whis-  
che a man bathe to hym & to his heyses symple  
without any further lymytacion, for wherere  
they be of his owne bodye begotten or nat, so  
that they be the nexte of his kynde, and within  
the degrees it lassyleth.

**C**HO the tenante in fee symple is he that hath

W. iii.

landes

## Of fee syngle.

lades or tenementes (whether it be by purchase  
or by dycent) to him and to his heires or assig-  
<sup>(heires) make estatute</sup>  
<sup>of th' inheritance</sup>  
nes for ever. For ys a man wyl purchase lades  
in fee syngle, he must nedes haue these wordes  
(his heires) in his purchase, for these be þ ones  
lye wordes that make the state of inherstaunce.  
Therefore of landes be gyuen to a man for euer  
and no mencyon be made of his heires: he hath  
an estate but for terme of his lyfe, because these  
se wordes (his heire) do lacke.

## Deuyls.

*This will of the testat  
is to be fullfilled*

*This word Franke  
in clude th' estate  
of inheritance*

¶ Yet nevrtheles, ys a man by hys testament  
doth deuyls landes to another in such place or  
case where the custome or lawe wylle serue so to  
do, though he makethe no mencyon of heires,  
but sayeth that he bequeatheth to such a person  
suche landes, to haue and to holde to hym and  
to his assyngnes for euermore: here a state of the  
herstaunce doth passe, for in testamente þ wylle  
and intent of the testatour is to be yondreda-  
þ nat þ formal & prescripte wordes of the lawe.  
¶ Also these termes in the law, franke mary-  
age, and franke almyoyne, þ is to say, free mary-  
age and free almyoyne do include in them wor-  
des of inherstaunce.

¶ And therfore ys I grue landes to a man þ  
my doughter in franke maryage without fures  
ther addition or mencyon of heires, this is an  
estate of inherstaunce, as he shall hereafter des-  
clare more p̄fþously. In lykewyse it is of lan-  
des gyuen to an house eccllesiastical in pure &  
franke almes. Moreouer ys landes be gyuen to

*Donū se  
mū: & sā  
guini suo  
quid sit.*

a man and to his blonde, or unto hym & to hys  
sede, he hath in bothe cases a state of inherstaunce  
þ in the laste he hath a fee sayle, and in the os-  
and a fee syngle. For this wortē sede, & blonde

Of fee symple. Fo.xii.

and such lyke do implye wordes of inheritaunce.  
Also yf landes be gyuen to a man and to his  
heires males, or females, he hath by this gyfre  
a fe symple, bycause it is nat exprested of what  
body the issue shall come. C.9. B.6.

But nowe it is to be lene who be sayde a  
mans heires in h lawe. Ye shall therfore know  
that my brother or syster by the halfe bloude,  
that is to wyte, by the fathars syde, and nat by  
the mothers, or contrarywyse by the mothers,  
and nat by h fathers, shall never be myne heire  
nor none that come of them.

Neyther my bastarde can be myne heire, nor  
myne owne naturall father nor mother nor  
grandfather, nor grandmother: can be myne  
heire. For it is a prynceple and grōnde of h law  
that inheritaunce maye lynally dyscende, But  
ascende it may nat. And therfore yf I haue lā-  
des in fee symple and dye without issue of my  
bodys, my fater can nat be myne heire, but  
my fathers brother or syster shall, and then of  
my uncle or aunt dye sealed withoutt issue, my  
fater shal haue the lādes as heire to my uncle  
and nat as heire to me, for that can nat be.  
But it may go from me to myne uncle or aunt  
well knough, for that is nat called a lynnall as-  
cension but a collateral dyscent.

And ye shall vnderstaide that lynnall dyscent  
is when the dyscent is conveued in the same  
lyne of the hole bloude, as grandfather, fater  
and sonne, and so downe. And collateral dyscent  
is out another, braunche, frome aboue of the  
hole bloude, as the grandfathers brother or  
fathers brother and so dyscendyng.

And ye shall note, that by the common lawe  
B.iii. of this

The halfe bloude.

A bastard  
halfe no lineall  
heire. *descency.*  
A grōnde  
of the  
lawe. *collateral  
affinity.*

Lynnall &  
collateral  
dyscente.

## Of fee symple.

realme, the eldest sonne shall have the hole in the  
reiaunce, & after him if he haue no yssue, þ secōde  
sonne, and so forthe. And þf I haue no sonnes  
but daughters, than shall all the daughters to  
gyther shereite, which is called coparceners, but  
þf I haue no yssue at al, neyther sones ne dought  
ers, þe hal my eldest brother shereit succede  
me, but & þf I haue no brother then my sisters  
þf I haue anye, þf nat my uncle by my fathers  
lyde, þf the lades bemyne owne purchase. And  
to be shorte, þf there be none in lyfe, of my fa  
thers lyde, it shall go to my mothers lyde, and  
þf there ca be fōnde no heire neyther by fathers  
lyde, nor yet my mothers, then shall it reuerte &  
elcheite, as they call it, to the lordes of whome it  
was holde, for every lande must nedes be holde  
of some lord, as shalbe hereafter shewed. But  
þf lades desceide vnto me by my mothers lyde,  
than þf I sayle of yssue, the landes shall discēde  
onely to my heire of my mothers lyde, & neuer  
to myne heire of my fathers lyde: as on þ cor  
erary lyde, þf I haue landes or any hereditame  
tes by discēde from my father or his bloude, they  
shall never discēde to my heires by my mothers  
lyde.

## Dyners lyde.

## A grounde of þ lawe

¶ And thus ye se a greate dyfference in this  
behalske, betwene purchase landes, and landes  
whiche dyssende from my auncestoure.

¶ If there be thre sones, & the myddle sonne  
purchase landes and dye without yssue, the  
eldest shall haue the landes & nat the yongest.

¶ Also it is a p̄inciple in our lawe, that none  
can be myne heire of landes that I holde in fee  
symple, oncles he be myne heire by þ hole blode  
that is to saye, both my father & mother, for þ  
a man

Of fee symple.      Fo. xiii.

a man hath issue two or thre sonnes by sondry wyues, and the eldest purchaseth landes in fee and dyethe without issue, his halfe brethen I meane those that be nat his brethen both by p fathers syde, and mothers syde, shall nat haue the lande, but it shall go to his uncle.

**C**lykewyls ys a man hath by hys fyrist wyfe a sonne & a daughter, and by hys seconde wyfe another sonne, and the sonne by the fyrist wyfe purchaseth lades in fee symple and dyeth without issue: the syster german, that is to say, both by fathers syde & mothers shall haue the lades by dyscent as heire to her brother, and nat the yunger brother, for alsmuthe as þ yunger, brother can nat i this case be heire to his elder brother because he is no brother germane vnto hym. Otherwyse it is of lades oþ other heredytaries entayled as shalbe hereafter spesified.

**C**Also ys a man be seyld of landes in fee symple and hath issue, a sonne and a daughter by one wyfe, and after the death of hys fyrist wyfe a sonne by another wyfe, and dyeth, and the eldest sonne entred into the landes, and after he dyeth without lawfull issue of his body, the daughter shall haue the landes and nat the yongest sonne, & yet the yongest sonne is heire to his father, but he is nat so vnto his brother But ys in this case the eldest sonne had nat entred, after the deaþ of his father but had dyed before any entre made by hym, then shal nat the syster germane entre, but þ yunger brother is heire to hys father, because the eldest brother was never in actuall possessyon, whiche is requisite to þ person þ claymeth to be heire collaterally **C**But to the lyniall heires, it suffereþ that þ

W. b.

ancreþ.

## Of fele symple.

auncestour shulde haue bene heire ys he had lyued, I meane as thus, A man is seased of lades and hath yssue a sonne and a daughter by one wyfe, and afterwarde a sonne by another, he dyeth, and after his dearethe the eldest sonne enstreteth nat but dyeth without yssue before he can make actuall entre, here in this case hys syster shall nat haue þ landes as heire to her brother bycause her brother was nat actuall possessed but þ yonger brother shall haue the as heire to hys father. Yet ys the eldest sonne in þ case had leste be hynde him issue of his bodye, whether it had bene sone, or daughter, this yssue nat wþtā dyng þ the farther of the issue was never possessed eyther actuallie, or in þ law, Wal haue lades & shall cōterey his discēt trō his father, the cause hereof is this, þ þ sone or doughtē is linal heire where as þ brother, kyster, vncle ante. &c. be heires collaterall, & so ye shall obserue a diversite.

**C** I call an actuall possession, when a man enstreteth in deve into landes which be to hym descended, but a possession, in lawe, is called whē landes be discended to a persō, and he hath nat yet reallie, and actuallly entred into them. For natwithstantyng that he is in actuall possesſſō yet he is possessed in the lawe, that is to say, in the eye and conſideracion of the lawe he is deemed to be possessed, forasmuche as he is tenaunt to every mans action that wyl sue for the layde landes, for els assuredly there shuld issue an intolerable inconvenience, as we shall moxe copyously open in another place.

**C** Ye shall further moxe undeſtande that this worde inheritance is nat only to be accomodate and applied to that whiche commeth by discēt

or succē

Dyners  
syte,

þ  
Puffeown adu.  
all. et in law.

Heredis  
sas qd sit

Of fee tayle. Fo. xiiii.

or successiō frō a mās aūcestours or p̄cessours  
but also to euery purchase i fee syple, or fee tayle  
¶ And note that a man can haue no larger, or  
greater estate then fee sympyle.

¶ Of fee tayle

**Y** Schal vnderstante, that before a certayne  
Statute called the Statute of Westm.  
seconde, there was no state tayle but all  
was fee sympyle, eyther purelye that is to saye,  
without condycyon or at the leſt waye condycyonally  
as appereth by the pretence of the layde  
statute, but nowe lethens the promulgatyng of  
the statute, dyuers formeſ of statutē tayle haue  
ryſen.

¶ Fee tayle is whē it is p̄ſcribed and lymit-  
ted in the gyft, what ſort of heyses & by whom  
engendred shall inheire.

¶ As for example, I gyue landes to a man  
and to hys heyses and go no further, this is fee  
sympyle; but yt I make a lymytacion, and adde  
of his body begotten, nowe it is fee tayle, that  
is to ſay, a fee or inheritance lymytted, p̄ſcribed  
bed, determinate, or assigned.

¶ So that yt I gyue landes to a man and to  
his heyses, he haſte, fee sympyle, but yt I gyue  
landes to hym & to his heyses of his body law,  
fullye begotten, he haſte but a fee tayle, for alaſa  
muche as I appoynte, lymitte, p̄ſcribe, and ex-  
p̄eſe what heyses they haſte and for lacke of  
ſuch heyses, the gyft haſte expyred and wone  
out, and the landes haſte reuerte agayne to the  
gyuer or his heyses.

¶ But ye muſt obſerue and note that there  
be two kyndes of fee tayle. There is a general  
tayle

West. 2.  
Capt. I.

Diuiſion

## Of fee tayle.

tayle and there is specyall tayle.

**G**eneral tayle. **F**ee tayle generall is as where landes be gyuen to a man and to hys heyses of his bodye gotten, without any mençonyng and exples syngē by what woman they are to be gotten And therfore yf a man be tenaunt in the general tayle of landes, & taketh a wyfe and hath issue by her, and she dyeth and afterwarde he taketh another wyfe, of whō he hathe also other issue here eyther of these issues is iheritable to hys lande entayled. But yf I expresse in the gyfte by what womā the heyses shalbe procreate and engendred, then is it an especyall tayle, as soþ ex ample to make the thyng playne, yf landes be gyuen to a man and to the heyses of hys bodye lawefulllye begotten by Margarete hys wyfe, this is an especyall tayle, for the issue of him is gotten by another woman, shall never inherite by force and vertue of þ tayle. Likewise it is, yf landes be gyuen to a woman & to the heyses of her bodye lawfullye begotten( and newe nat by what man) this is a generall tayle, but yf I go soþ and saye by suche man her husbande, then it is an especyall tayle.

**F** Also yf I gyue lades to a man and to hys wyfe, & to the heyses of theyz two bodyes lawfully begotten : this is an especyall tayle, as well in the husbande as in the wyfe.

**F** Emebleme it is, yf a man gyueth landes to an other mā with his daughter, or kynswoman in feauke maryage, thys wordes( franke mariage) empyleth a stāte tayle especyally, and in this case as well the man as the woman hathe estate in the specyall tayle.

**F** But yf I gyue landes to a man & to such a woman,

**F** ranke  
marriage.

## Of fee symply

Fo.xv.

a woman, and to his heires that he shall beget of her, here the woman hath the estate but for ret me of her lyfe, and the husbande an estate in þ spesyal tayle. And Lykewylse it is in the wos mans behalfe, as þ I gyue landes to a man and to his wyfe, and to her heires of the bodye of her sayd husbande engendred, he hath an estate but for ret me of lyfe, & she an estate in the spesyal tayle. But in borthe cases, þ I had sayde to þ heires & nat hys or her heires, then shulde eyther of them haue had an estate in the spesyal tayle, bycause this wodde heires is as well referred to the one as to the other.

C Ye shall also understande, that þ landes be gyuen to a man, and to the heires males of his bodye, this is a stale tayle, and in this case the heire female shall never inherite

C Also þ a man hathe issue and dyeth, and lades be gyuen to hi & to his heires of his bodye begotten, this is a good estate tayle, althoughe the father were deade at the tyme of the gyfte

C Fynally it is to be noted, þ of landes which a man hathe in fee symply the possessyon of the brother shall cause the syster germanye that is to saye, the syster both by the fathers syde and mothers, to inheryte, & in this case the brother by the halfe blode shall nat inherite, as here to soze was sayde, but of lades which be intayled otherwyse it is. Therfore if a man be sealed of landes in the generall tayle, and hathe issue by

his syde wyfe a sonne and a doughter, and also a sonne afterwarde by another wyfe, & dyeth,

and the eldest sonne entreth into the landes and after dyeth, the syster germanye to the eldest sonne shall nat haue þ lande but þ younger brother

Discents  
by heires  
males.

Possessio fratreis  
facit susteresse  
heredem.  
hic vero est in  
fee simple in  
3d tayle.

Divers  
site.

### Tenaunt after possibylite.

brother of the halfe blode bycause, whosoever  
shall inherytre landes or any other hereditamen-  
tes in tayle, must clayme them as next and im-  
mediately heire, nat to hym þþer he laste seased  
of þ landes but to hym whom the landes were  
kyll gyuen unto, whiche in the case before re-  
membrid, is the sonne and nat the daughter.  
**C** Thus ye shall marke a greate dyuersite by  
twene the forme of succession in the landes of  
fee symple, and the forme in fee tayle.

### Tenaunt after possibylite of issue extyncte.



**W**hen landes tenementes or oþ-  
her hereditamentes be gyuen  
to a man and to his wyfe, and  
to the heires of theyr two bo-  
dys lawefulllye begotten þ in  
this case eythere of the chancie  
to dye before they haue issue to  
twene them, he or she that ouerlyueth, is styll  
tenante in tayle, but without all possibylite of  
any issue þ can be heire to these landes or her-  
editamentes thus intayled, and for this cause he  
or she thus ouerlyuynge is called tenuant after  
possibylite of issue extyncte, for i such a tenuant  
is all possibylite of issue that may be inherytan-  
ble to these landes by force of the gyfte in tayle  
utterlye extyncte & quenched and by his or her  
death the state tayle shall exryze, cease, and be  
abolysched forever, and shall reverte and turne  
agayne to þ gyuen or donour fro whence it came.  
**C** Yet forasmuche as this tenuant after possi-  
bylite of issue, had ones an iheritaunce in hi-  
m he shall nat be punyshed by an accioun of wa-  
thoughte

Dispu-  
nyable  
of wa-

Of yssue extincte. Fo. xvi.

though he maketh never so muche wast in the landes and tenementes where as yet in effecte he is but a tenuant for terme of lyfe.

Ten after þwȝm  
punished for  
waste.

But if this tenuant bothe alienate, in fee sucche landes he in the reuencion maye entre for forfete ture.

And this of estates at this presēt tyme shall suffice. But to the intent that ye may the more easly eþprehende all the membris of the deuision of possessions and estates which men may haue in landes tenementes and other hereditamentes, it shall nat be euyll done to set forth as it were in a table before your eyen the dyuisiōn wherof whiche is this.

State of inherys tenaunce.	Fee simple.	Generall. Speciall.
	Fee taylor.	
After þ common lawe.	Lurtesye of Englande	After þ common lawe.
	Dowre.	
Frank feue.	franke tenuis only.	Terme of lyfe. Terme of others lyfe.
	After þ cultōe.	
Hols less ion of.	Which is deuyded inlike maner as frank tenement by the common lawe.	Terme of peres. Warde of landes: At wylle.
	Reall.	
	Chatel.	
Personall.	All goodes maueables,	Terme of peres. Warde of landes: At wylle.

## Of parceners or coheyres.

**H**etherunto I haue made a cōpendious and shorte declaracyon of estates of all sortes. But where I sayde, that amōge systers there is no prerogatyve or p̄emptiōnce concerning the inherityng of theyz auncestours landes but that they halbe all togyther inheryours and make as it were but one heye, it is expedēnt to make a further declaracion & proceſſe in this behalfe, and to shewe howe and in what maner this partition halbe made.

Diuision  
parceners  
at the cō-  
mon law  
parceners  
by custome.

**I**n But ye shall understande that there be, besyde parceners at the common lawe, whiche be only systers, also parceners by custome, whiche is amonges brothres contrarie to the course of the cōmon lawe, and this custome is in summe places of Kent, & in other places where landes and tenementes be of the tenure of Gantkynde. **C**Ye shall therfore knowe that when a man is sealed of lande in fee simple or fee tayle, and hath no yssue but doughters, and dye, and the doughteres do entee into the landes thus descended vnto them, nowe they be called parceners, or coheyres, and by a wryt called: De particiōne facienda brought by one of them agaynst the others, they halbe constrainyd by þ lawe to fylle an egall perticione to be made of the landes bwene them.

Particid  
in dyuers  
maners,

1.

**I**n Nowe particyon maye be made in sundrye wayes. One waye is when they them selues do make particyon bwene them of the hole heritagē and do agree vnto the same, and do entee every one into her parte so allotted vnto her.

2.

**C**Another waye is when by all theyz agreement and consent one cōmon fynde which make the particid. In whiche case þ eldest syster hal-

hans

## Of percerers.

Fo. xvii.

have the synt election, and after her the second  
lyster, and so forth. But if they agree þ the eld  
est lyster shall make the petition, and the mas  
kerh is then the eldest shall not chose synt, but  
shall suffer all her lysters to chose before her,  
as it is thought.

Partibus p  
cisterne

**C**hree is also another forme of partition  
whiche is egallye to devyde the landes into so  
many partes as there be coherves or percenees  
and to wryte every parte so devyded in a seuer  
all scroule of paper, & so put the sayd scroules  
les into a bonet, or to inclose them severally in  
balles of wax, and thā the eldest lyster to chose  
whiche balle she wyl, or to put her hande into  
the bonet, and to take a scroule, and to holde  
her to her chaunce and allotment, and so cons  
sequently eucry lyster after other.

Partibus p  
lots.

**C**And ye shal note, that petition by agreemet  
may as well be made by nude and bare wordes  
without wrytyng as by wrytyng.

Note,

**C**And if any of the parcerers wyl nat suffre  
any peticion to be made, thā may the other that  
wolde haue peticion purchase a wryt called De  
partitione facienda, agaynst the that refuse p  
eticion to copell the same to suffre peticion to be  
made accordyngly, and than by the iudgement  
of the court, the Shryfpe by the serement & othe  
of twelve men shal make peticion betwene them  
and shal assygne to ech lyster her porcion, as  
he shall shynke good, without gyuyng any p  
eticion or chose to the eldest.

A wrytte  
De petic  
one fact  
enda.

**C**And if two manours or meeses happen to  
descide to two lysters, & the maners be nat of  
egall value, thā may he, to whom the lesse mas  
ter or meese is allotted, haue assigned vnto her

by the Sheriff  
and oth vnto her

L. i.

a rent

## Of perceners.

**Distes  
of comon  
ryght.**

a rent proporcionalye out of the other maner  
for the whiche rent she and her heires may dys-  
strayne of comon ryght, though they haue no  
wrytynge therof.

**Hochpot**

**C**lyually, re shall vnderstaide, that ys a man  
be sealed of lades in fee simple, and hath issue  
two daughters, and gyuerthe wirth one of hys  
daughters to another man that shall mary her,  
the thyrde or fourth part of his lande in frankie  
marriage and dyeth, ys in this case þ daughter  
that is in this wylle bestowed & auanced, wyl  
haue her porcion of her fathers herptage, She  
must put her lande gyuen unto her in frake ma-  
ryage in Hoch pot newe agayne. I meane she  
must be contented to suffre her layd landes to be  
commynched & mengled with the other landes of  
which her father dyed sealed in fee simple, so þ  
an equall division may be made of the hole, or  
elles she shall haue no parte of those landes of  
whiche her father dyed sealed. But ys her fa-  
ther had made unto her but a common gyfte in  
tayle, or a fessement in fee, she shulde nat ned to  
put her landes in Hochpot, but may very wel  
kepe & retayne them yll, & also haue as good  
part of the rest of the lades of which her father  
dyed sealed, as her other syster or sisters haue.

**Franchise  
marriage  
advancement of  
a mans daughter**

For a gyfte in frake mariage, is accompted the  
most free and most lyberall gyfte that can be, &  
that gyfte whiche the lawe iudgeth to be onely  
for the auancemente and bestowynge of the  
daughter, where as fessementes in fee simple &  
also comon gyftees in tayle be accustomably for  
other causes, and for the auantage rather of  
the gyuour, or fessour then of the taker.

**C**Also ys parcerers make partition of landes  
buyng:

Of iointenautes. Fo. xviii.

beynge within age that partition is bōyde.  
¶ And yf parceners in fee symply make p̄tisid  
and the parte of the one is better then the other  
beynge of full age of .xxi. yeres, then the par-  
tition is good and can nat be defeted, but yf it  
be of landes in fee tayle, the one parte beyng  
better then the other, that partition may be de-  
feted by theyz heyses.

¶ Of Joyntrauntes.



Ytherunto verely haue we spos-  
uen of Loherzes called Parce-  
ners at the comon lawe, whiche  
as is heretofore declared do cōe  
to landes and other hereditamē-  
tes ioyntly by the course, opera-  
tion and acte of the lawe. Nowe shall we speke  
somewhat of them whiche eyther ioyntlye or  
seuerally come to landes, tenementcs, or other  
hereditamentcs by theyz owne purchase, acte,  
procurement and warkynge. And of these they  
that come to them by ioynt tylle, wāye, or cos-  
lour be called joyntrauntes, but they that  
come by seuerall tylles, wāyes, or colours to la-  
des or tenementcs, be named tenantes i comon.

Tenates  
i comon

¶ So then, yf a man beynge sealed of landes,  
or tenementcs or other hereditamētes shall there  
of infesse two thre, four, or more, to haue and  
to holde to them in fee symply, fee tayle, or for  
terme of theyz lyues, or for terme of anothers  
lyfe, these personnes so infessed and sealed, be  
called Joyntrauntes. Also yf two or moo do  
expell and disseyle another man of any landes  
or tenementcs to theyz owne behouse and vse  
these disseylours and wōngē doers are nowe  
L.ii. beedes

## Of ioyntenauntes.

become ioyntenauntes, by cause by theyr owne  
acte they come ioyntelye to this lande. But yf  
*Coadiutours* they do dyllese another mā to the vse onely of  
one of thē, in this case they be nat ioyntenaun-  
tes but he to whose vse the disseisen is made, is  
tenante alone of the same, and the other haue  
nothyng in the tenancy, but be called aydours  
or coadiutours to the disseisen.

**Disseisen** ¶ And ye shall understande, þa disseisen is po-  
perly, where a man entrethe into any landes or  
renementes there where his entre is nat lawefull,  
and putteth out hym whiche hath the free  
holde of the same.

**Servi-  
tute et-  
heth plas-  
ce.** ¶ And ye shall furthermore knowe, that the  
nature of ioyntenauncye is, that he which ser-  
ueth and querkyueth the other, shall haue to  
hym selfe alone the hole & entyng tenancye ac-  
cordynge to that estate whiche he shulde haue  
had yf the ioynture had ben contynued, as (for  
example) þre Ioyntenauntes be of landes in  
fee simple, and the one hathe yssue & dyeth, in  
this case the two whiche do ouerlyue theyr fel-  
lowes, shall haue the hole landes betwene thē,  
and the yssue of hym that is deyed getteth no-  
thyng. And yf the secōde ioyntenaunt hath also  
yssue & dye, the thyrd whiche hath ouerlyued  
þe boþe, shall nowe haue & enioye the hole to  
hym and to his heþres for evermore.

**Wyers-  
lyte.** ¶ But otherwyse it is of coheyres whiche in  
our lawe be called perceners. For yf there be  
þri. such coheyres & parcerers, and before any  
particion made, the one hath yssue & sonne or a  
doughter and dyeth, his porcyon shall discende  
and fall to his chylde, and shall nat runne a mā  
gest the other coheyres or coparceners.

*Nowe*

Of ioyntenauntes. Fo.xix.

Howbeit if such parcence or coheire had dyed without issue, then shuld his porcion haue descended to his coheires. But how nat by force of suruiuour or ouerlyuynge whiche in latyn is called ius accresendi, but by very dyscent, for where any of the coheires dye without issue who can be heire to hym or her so dyenge, but the other coheire or the rest of the coheires if there be many. And lyke as this ryght of suruysuer or ouerlyuers holdeth place amōges ioyntenauntes of landes and tenementes, so in lyke maner it holdeth place amōges the which haue ioynt estate or possessyon w<sup>t</sup> others of chatelles whether they be real or personall. As for example syf a lease of landes or tenementes, be made to many for terme of certayne yeres, & ouerlyuer or ouerlyuers shal haue the hole duryng the same by force of the same lease. So of chatelles personall, if an horse, ore graynes or other suche personall chatell be gyuen to many, he whiche ouerlyueth shal haue the same alone. In seblazable wyse it is of dettes and dutyes. For syf an oblygation be made to many for one det, & so of other couenauntes and contractes.

Also some ioyntenauntes maye be whiche may haue ioynt estate and be ioyntenauntes for terme of theyr lyues, and yet haue severall inheritance. As where landes be gyuen to two men & to the heires of theyr two bodyes engendred, in this case, these two personnes haue ioynt estate for terme of theyr two lyues. And yet they haue severall inheritance. For syf the one haue issue and dye, & other that suruyueth shal haue al by force of the suruiuour for terme

Joynt  
nauntes  
of real or  
personall  
goodes.

Joynt  
nauntes  
of severall  
inheri-  
taunces.

Jointten. Wh<sup>t</sup> and  
several inheritance  
haue

## Of ioyntenauntes.

of his lyfe. And yf he that suruyueth hath also  
yssue & dye, thā the yssue of the one shal haue þ  
halfe of the landes, & the yssue of the other shal  
haue thother halfe, & they shal holde the lande  
**Tenaun-**  
**tes in co-**  
**mon,**  
betwene them in cōmune & shall nat be soyn-  
tauntes, but tenantes in cōmon, and the cause  
and reason why suchē donees i suchē casēs haue  
soynt estate for tyme of theyz lyues is, for that  
at the begynnig the lādes were gyeuen to the two  
whiche wozdes without more sayenge, make a  
soynt estate to the for tyme of theyz lyues. For yf  
a man wyl let lāde to another by dede or with-  
out dede, nat wakynge mencyon what estate he  
hath & of this maketh lyvery of leyssin in this  
casē the lesse shal haue a state for tyme of hys  
lyfe. And yf he haue no lyuerye of leyssine he is  
but tenant at wyl. And so forasmuch as þ lādes  
were gyeuen vnto them, they haue a ioynte estate  
for tyme of theyz lyues. But the cause why they  
haue severall inheritance, is this, for that they  
can nat by pollybylytie haue an heyre betwene  
þē engēdred as a man and a woman may haue  
wherfore the lawe wyl that theyz estate & theyz  
inheritaunce shalbe suchē as reason wyl after  
the forme & effecte of the wozdes of the gyftee,  
and that is to the heyses that the one engēdred  
of his body by any of his wyues, & to þ heyses  
that the other engēdred of his body by any of  
his wyues. So it behoueth by necessite of reas-  
on, that they haue severall inheritaunces. And  
in suchē casē yf þ yssue of one of þē aft the deeth  
of the both doth dye, so that he hath no issue a-  
lyue of his bodye engēdred: then the donoure  
whiche gaue the landes or his heyre may entre  
in the halfe as in his reuersion though þ other  
hath

The donor for defor  
of issue of one of  
shall entre in  
to þ on half

## Of Ioyntenauntes. Fo.xx.

hath yssue alyne. And the cause is þ forasmuch  
as the inheritaunces be severall, therfore þ re-  
uertion in the lawe is leuered, & the suruiuour  
of the yssue of the other shall holde no place to  
hauie the hole. And as it is sayde of males in the  
same maner it is where lades be gyuen to two fe-  
males & to þ heyres of theyr, if bodyes begotte

Also þ landes be gyuen to two and to the  
heyres of one of them, this is a good ioyntenaun-  
tice, and the one hath a free holde, and the other  
hath a fee symply, & þ he which hath fee simple  
dye, he that hath the freholde shal hauie the hole  
by the suruyuour for term of his lyfe.

And þ these two ioyntenauntes soyn in a  
gyftee in tayle to a stranger, reseruynge a rent to  
hym that hath a state but for his lyfe, this re-  
seruacion is voyde to make a tenure. Lykewyse  
it is where tenementes be gyuen to two and to  
the heyres of the body of one of them engedzed  
the one hath freholde & the other fee tayle.

Note, þ two ioyntenauntes be sealed of a  
state of fee symply and the one grauntech a ret-  
charge by his dede to another out of þ whiche  
to hym belongeth, in this case duryng the lyfe  
of the grauntore the rent charge is good and  
effectuall, but after his decease the rent charge  
is voyde, as to charge the landes, for he þ hath  
the lande by the suruyuoure shall holde all the  
landes discharged, the cause is þoþ that he that  
suruyueth, claymeth to hauie the lande by the  
suruyuour and nat by descent of his felowe.

But otherwyse it is of peceners or coheyres  
þoþ þer be ii. peceners in te sylle & before any  
partition made, þ one chargeth that, þ to him be-  
logeth by his dede of a rent charge þ dyeth w-

Hence  
your hol-  
deth no  
place.

Rente  
charge  
graunted  
by a soyn  
tenaunt.

Dyners  
lyfe

L.iii, out

## Of ioyntenauntes.

out issue, here that which to hym belongeth descendeth to the other parcerer and in this case the other parcerer shall holde the lade charged by cause he cometh to þ halfe by dissent as herze.

¶ Also yf there be two ioyntenauntes in fee simple, within one borough where the landes & tenementes within the same borough be deuisable by seame of the one of þ layde ioyntenauntes deuylle that whiche to hym belongeth, by testamente, and dye, this cause & legacion is voyde. And the cause is for that, þ no deuylle may take effect iyl after the death of the testator which bequeathed & deuised the same, and by his deeth all the lande incontynent commeth by the laws to his felowe that suruyuerþ by the suruyuour whiche neyther claimeth nor hath any thrage in the lande by the deuylle but iyl his owne ryght, by the suruyuour after the course of the laws & for this cause such deuylle is voyde.

¶ But otherwyse it is of parcerers sealed of tenementes deuisable in suche case of deuylle for the cause aboue remembred. Also it is commonly layde that every ioyntenaunt is sealed of the lande that he holdeth ioyntly par my et par tout, that is, throughte out & by all. And this is as much to say, that he is sealed by every parcel and by all, whiche layng is true for in every parcel and partie and throughte out all the landes & tenementes he is ioyntly sealed with his felowe. And therfore of the one ioyntenaunt make a fessement to his companion, this is voyde by avise he can make no iury of seazon to hi. Also yf two ioyntenauntes be sealed of certayne lades in fee simple & shone leteþ that, þ to hym belongeth to a straunger for termes of xl yeres & dyeth

Denyse  
by testa-  
ment.

I groddē  
in þ lawe

Dnyers  
Spie.

## Of ioyntenautes. Fo. xxii.

dyerthe within the termes, in thys case after hys  
deareh the lessore may entre & occupy the halfe to  
hym lettyn duringe the sayde terme though he the  
lessee never had possessyon of it in the lyke of hys  
lessour by force of the leys. And the diff'rence Diversite  
berwene the case of the graunt of a rente charge betwene  
and tis case is this that in the graunt of a rent a grante of  
charge by a ioyntenaunt the landes or tenement a ret and  
tis abyde alwaye as they were before without a lease. Nota  
that, hys any hath ryght to haue parcell of the te  
nements but them selfe and the tenements as in a grant of a rowme  
byde in such perte as they were before hys charge charre no to now  
But where a leys is made by a ioyntenaunt to another as kepe  
another for terme of yeres incō:ntent by force of the lease the lessee hath ryght in hys same lade  
that is to say, of all that, ther to his lessour be  
longeth by force of the same lease duryng his  
termes. And yf the lessour in this case by the o  
ther ioyntenaunt shal haue the rent or ferme due  
tynge the sayde terme bycause the reversion is come to hym by suruauout. Fynally yf a ioynt estate be made of lande to the husbande & wyfe  
and to the thydye person, in this case the husbande  
& the wyfe haue nat in the lawe in theyr  
ryght but the halfe, and the thydye person shal  
haue as much as the husbande & the wyfe haue  
that is to say, the other halfe.

¶ And the cause is for that the husbande and  
wyfe be but as one person in the eye of the lawe  
and it is here in lyke case as yf estate be made  
to two ioyntenautes where the one hathe by  
force of ioynture hys one halfe, & the other the o  
ther halfe. In seylable wylle it is where estate  
is made to the husbande and wyfe and to other  
two men, in this case the husbande & the wyfe

but for holding  
the feme. And  
the husband  
by his wif

husband and wife  
on yf in lawe

L. b. — have

## Tenauntes in cōmon.

haue nat but the thyrd part and the other two  
men the other two partes.

**C**Also yf two or thre togither disseiseth ano-  
ther of landes & tenementes to theyr owne vses,  
then suche disseisours be called toyntenauntes.  
Moze halbe sayde of this matter touchyng  
toyntenauntes in the nexte chapiter.

## Tenauntes in Common.

**T**enauntes in Common( as I sayde bes-  
fore ) be they that haue landes or tenes-  
mentes in fee simple, fee tail, or for tyme  
of lyfe, which haue suche landes and tenementes  
by severall tytle, and nat by ioynt tytle and  
none of them knowethe that whiche is severall  
to hym. And in this case they ought by the lawe  
before partition made betwene the to occupye  
suche landes and tenementes in cōmon and for  
vndeuyded to take the profites in cōmon. And  
bycause they come to suche landes & tenementes  
by severall tytles and nat by one selfe ioynt  
tytle and theyr occupation and possession in the  
same is amonge them in common, they be cal-  
led tenantes in common, or tenauntes p[er]muto.  
As for example, yf a man infeoffe it ioynt  
tenauntes in fee simple, and the one of them as  
lyneneth that, he to hym belongeth to another in  
fee, nowe the other ioyntenant and he to whiche  
the alienacion was made be tenantes in cōmon  
for that they be sealed of suche tenementes by  
severall tytles, for the one commeth to the one  
halfe by the feoffement of the toyntenant and  
the other hath the other halfe by force of the  
first feoffement made to hym and to his kyng  
felowe and so they be in by severall tytles & by  
severall

Ten-  
ta-  
in com-  
mon  
not sold by law  
call biles.

Tenautes in cōmon, Fo. xxii.

Seuerall feoffementes. ¶ : \* : ¶ : \* : ¶ Diffint  
¶ And it is to wyt, that when it is layd in any cyon of fe  
boke, that a man is sealed in fee without more  
layenge or addicion, it shallbe understande fee  
lymple, for it shall nat be understande by suchs  
worde in fee that a man is sealed in fee tayle,  
except there be put in it suche addicion (tayle).  
¶ Also yf the ioyntenantes be & the one of  
them aliyeneth that whiche vnto hym belōgeth  
to another in fee, in this case the aliyene is te-  
naunt in cōmon w<sup>t</sup> the other. ii. ioyntenautes.  
But yet the other. ii. ioyntenautes be sealed of  
the. ii. partes ioyntly, and of these. ii. partes the  
suriuour betwene them holdeth place.  
¶ Also yf there be. ii. ioyntenautes in fee and  
the one gyueth that, that vnto hym belongeth  
to another in the tayle, the donee and the other  
joyntenant be tenantes in common. But yf the  
landes be gyuen to. ii. men and to the heyses of  
they. ii. bodyes engēdred, the donees haue ioynt  
estate for terme of they. lyues, and yf eche of  
them haue yssue and dye they. yssues shall holde  
in common.  
¶ Also yf landes be gyuen to. ii. men to haue  
and to holde, the one halfe to the one & to hys  
heyses, & the other halfe to the other and to his  
heyses, they be tenantes in common.  
¶ Also yf amā sealed of certayne lades enfeof-  
feth another in þ halfe of the same lande w<sup>t</sup>out  
any speche of assignement or lymytacion of the  
same halfe in seueraltie at the tyme of the feo-  
fement, the the feoffe & the feoffour shall holde  
they. partes of the lande in common.  
¶ And as it is of tenautes in cōmon of lan-  
des or tenemētes in fee lymple or fe tayle, even

Joyntes  
nautes.

## Tenant in common.

So it is of tenantes for terme of lyfe. Therfore  
**Toynes,  
tauntes.** yf two ioyntenauntes be in fee and the one let-  
teth to a man that, þ vnto hym belongeth for  
terme of lyfe and the oþre ioyntenaunt letteth  
that which to him belongeth to another for tyme  
of lyfe also, these two lesses be tenantes in com-  
mon for terme of theyz lyues.

¶ Also yf a man let lades to two mē for terms  
of theyz lyues, of whō the one graunteth all his  
estate to another: thē that other tenante for  
terme of lyfe, & he to whom the graunt is made  
shall be tenantes in comon duryng the tyme  
that boþe lesses be alye.

¶ Note yf there be two ioyntenauntes in fee,  
and the one letteth that, þ vnto hym belongeth  
to another for terme of lyfe: þ tenante for terme  
of lyfe duryng his lyfe and the other tenante  
that dyd nat let be tenantes in comon. And by  
**Questiō,** you this case a question maye rysle as this. Let  
the case be that the lessour hath issue & dyerthe,  
lyuyng the other ioyntenaunt his felowe, & lys-  
uyng the tenante for terme of lyfe, the question  
is whether the reuersyon of the halfe that the  
lessour hath shall discende to the issue of the les-  
sour or whether the other ioyntenaunt shall haue  
it by the suruyuoure or no. And somane haue  
sayde, that the other ioyntenaunt shall haue the  
reuersyon by the suruyuoure for as muche as,  
when the ioyntenauntes were ioyntely seyed  
in fee symply, though eþe one of them made estate  
of that, that vnto hym belongethe for terme of  
lyfe, and though he hath severid the franke tes-  
nement of that, that to hym belongethe by the  
lees, yet he hathe nat severid the fee symply.  
But the fee symply abydet to them ioyntly as  
it was

though he seyed  
the feauour. yet  
he hath nat seyed  
the fee symply

Tenaunres in cōmou. Fo. xxiii.

It was before. And so it semeth vnto thē, þ the other ioyntenaunt whiche suruyueth shal haue the reversion by the suruiour. But other haue thought the contrary, and this is theyr reason. When one of the ioyntenauntes leteþe that which vnto hym belongeth to another foꝝ terme of lyfe by luche lease the franke tenement is seuered from the ioynture. So that the reuersyon that is dependant vnto the same franke tenement is seuered from þ ioynture. Furthermore þf the lessour had reserved to hym a perely rent vpon the lees, the lessour onely shulde haue the rent which is a profe þ the reuersyon is only in hym and that the other hath nothyng therin

~~C~~ Also þf the tenuant foꝝ terme of lyfe were impledged and make defaute after defaut, þ lesseour shalbe onely here vpon receyued to defede his ryght and nat his felowe, which proueth þ reversion of the halfe to be onely in the lessour and so consequently, þf the lessour dye, lyuyng the lessee foꝝ terme of lyfe the reuersyon shall dyscende to the heires of the lessoure and shall nat come to the other ioyntenaunt by the suruiour after these mens opinions, yet it is a douȝt. But in this case, þf the ioyntenaunt that hathe the franke tenement, haue issue & dye, lyuyng the lessour and the lesse, than it semeth that the issue shall haue the halfe in his demesne, as of fee by dissent foꝝ as muche as the franke tenement may nat by nature of the ioynture be annexed to a reuersyon, and it is certayne that he amysed to a that letted, was sealed of the halfe in his demesne as of fee, and that none shall haue any ioynture in his franke tenement, So that this shall dyscende to his issue.

Rough only my  
copy wrot

Wesceyng

Quert,

<sup>w<sup>t</sup></sup> f<sup>or</sup> an<sup>t</sup> et, may not by  
nature of the ioynture be annexed to a  
reversyon.

## Tenaunte in cōmon,

### Release.

**I**f thre ioyntenautes be, & the one releaseth by his dede to one of his felowes all the ryght he hath in the lande, thā hath he to whōe the releas is made þ thyde part of the lades by force of the release, and he & his felowe shall holde þ other ii. parties ioyntly. And as to the thyde part þ he hath by force of the release he holdeth it with hym selfe and his felowe in cōmon.

**I**nd it is to wyt, that sometyme a dede of releas shall take effecte put the state of hym that made the releas in hym, to whōe the releas is made as in case afor sayde.

**I**n also if a ioynt estate be made to the husbande and wyfe & to a thyde person, and the thyde person releaseth his ryght that he hath to the husbande: than hath the husbande the halfe, whiche the thyde person had, and the wyfe of this hath nothyng. Demblably þ þ thyde person had released to the wyfe nat namyng the husbande in the releas, þ shulde þ wyfe haue the halfe that the thyde person had, & the husbande nothyng of this but in ryght of his wyfe bycause such releas shall enure to put the estate to hym to whōe it was made of all that, þ he longer h to hym that made the releas. Agayne in some case a releas shall enure and serue to put all the ryght that a man hath that made the releas in hym to whome it is made. As a man besynge sealed of certayne landes is dysseyled by two disseisours þf the persone disseised by his dede release all his ryght to one of the disseisours, thā he to whome the releas is made shall haue and holde all to hym alone & put out his felowe of the occupacion of it. And the cause is for that the two disseisours were sealed by wonge

Dysseys  
sours.

Releas in whiche  
to in of þe  
Dysseysours

Tenautes in cōmon. Fo.xxiiii.

wronge by them done agaynst the lawe, & whā  
one of the getteth the releas of him þ had right  
to entre, this ryght resteth in hym to whom the  
release is made, & in suche plyte as yf he þ had  
the ryght had entred and encoffed hym of the  
same. And the cause is, for that he that before  
had an estate by wronge hath nowe by the re-  
lease a ryghtfull state.

¶ And in some case a release shall enure and  
take effecte by way of extinguishemēt, & such  
a release shall helpe the ioyntenaunt to whome  
the releas was nat made as wel as him to who  
it is made, as yf a man be disseised, and the dis-  
seisour maketh a ffeoffement to two men in fee  
yf the yson disseised release to one of the feo-  
fes in fee by his dede thā such releas shall enure  
to bothe the feoffes bycause the feoffes haue  
estate by the lawe, that is to say by the feoffes  
mente and nat by wronge done to any other.

¶ And in lyke maner yf the disseisour make a  
lease to a man for terme of lyfe, the remaynder  
over to another in fee, yf the disseisir wyll re-  
lease to the tenant for terme of lyfe al his right  
this release serueth as well to him in þ remayn-  
der, as the tenaunt for terme of lyfe. And the  
cause is for that the tenant for terme of lyfe cō-  
meth to his estate by the course of the lawe, &  
for this cause the release shall enure and take ef-  
fecte by way of extinguishemēt of the ryght of  
hym that hath released. And by this release the  
tenaunt for terme of lyfe hath no greater estate  
than he had before the release made unto hym  
and yet the ryght of him that released is al yts  
terly extyncte and gone. Wherfore for as much  
as such release can nat enlarge the stae of þ te-  
naunte

Release  
by waye  
of extyn-  
guishmet.

A release  
shall enu-  
re to him  
in the res-  
mayndee

## Tenauntes in cōmon,

mount for iemē of lye, it is ierlō, that it shall  
serue hym in the remaynder

¶ Also yt there be two parcess, and the one  
alenech his parts to anothr: & þe other parcess  
and the alyne he tenuantes in common.

Tenaun-  
tes in cō-  
mon by  
tyle of  
þcriptio-

¶ Furthermore tenuantes in common may  
be by tyle of þcriptioþon of the one & his ass-  
tessors or they whose estate he hath in þe halfe  
heire holden in cōmon the same halfe with the  
other tenuant þe hathe the other halfe and with  
his antecessors of them whose estate he hath at  
vndeyded tyme out of mynde.

Actions  
severall.

¶ Also ye shal marke, tha: in some case tenuan-  
tes in cōmon ought to haue of theyz possessyon  
severall ac:ions, & in some case they shall ioyne  
in one action, for yt there be two tenuantes in  
cōmon & they be disseyled, they ought to haue  
agaynst the disseylour two assylyes and nat one  
assylye. For every of them ought to haue an as-  
sylye of his halfe, bycause they were sealed by  
several tyles, but other wyle it is of iointenuan-  
tes, for if there be xx. iointenuantes & they be dis-  
seyled, they shal haue in al theyz names but one  
assylye, bycause they have but one ioyntre tyle.

¶ Also yt there be thre iointrenauentes, of whō  
the one releaseth the oþer one of his felowes all the  
ryght he hathe and afterwarde thother two be  
dissaled of the hole, in this case they shal haue  
in both theyz names one assylye of the two part-  
ies. And as to the thryde partie he to whom  
the release was made ought to haue therof an  
assylye i his owne name, bycause as to þe thryde  
partie he is tenuant in common.

Assylye.

¶ Also as to sue actions þe touche the realtye,  
there is dypersysis betwene parcess that in  
dypers

¶ Tenuantes in cōmon ought  
to haue þe halfe  
actions. Assylyes.  
Otherwise of ioyntre  
parties.

Dypers  
sysis.

## Tenauntes in cōmon. Fo. xxv.

In dyuers disseentes, and tenuantes in cōmon,  
For ys man sealed of certayne landes in fee,  
hath yssue two daughters and iye, & they entre  
into the landes as coheires, and eche of them  
hath yssue a sonne & dye without gryfpon made  
betwene them, so that the one halfe descendeth  
to the lōne of the one gener, & the other halfe  
to the lōne of the other and they entre & occupy  
in comon, & be diseased, in this case they shall  
haue in their two names one Assyle, & nat two  
Assyles. And þ cause is, though they come in by  
dyuers disseentes, yet they be coheires & generes  
Also þt two tenuantes in common of certayne  
landes in fee, gyue the same to another  
man in the tayle, & let it to another for terme  
of lyfe, þt idyng an annuite or certayne rent of  
a poude of Peper, or an hauke or an hōse, and  
þt y be sealed of these certaynes & afterwards  
all the rent is behynde, and they distrayne for it  
and the tenuante maketh them rescous, in this Wescoues,

heyres of þre  
shall haue þis  
on Assyle

case as to the rente & the poude of Peper they  
shall haue two assyles, and as to the hauke &  
the Hōse but one assyle. And the cause whye  
they haue two assyles as to the rent & pounds  
of Peper is, for that they were tenuantes in cō  
mon by severall tytles, & whā they made a gyft  
in the tayle or lease for terme of lyfe, leuyng &  
reservynge to them the reuersyon and yeldyng  
to hym certayne rent: his reservacion is tacy  
dene to theþ reuersyon.

¶ And bycause theþ reuersyon is in cōmon &  
by severall tytles, even as theþ possession was  
before the rent and other thynges whiche may  
be seuered and which were to them reserved  
pon the gyft or vpon the lease whiche be incy  
D.L. dent

## Tenauntes in cōmon.

dent by the lawe to the reversion) therfore such thynges so leuened be of the nature of reuertō Wherfore it behoueth that þ rent & the vōide of Peper which may be leuened be to the inrodition by seuerall spyles. And of this they shall haue two spyles & every of them in his assye shall make his playnt of the halfe of the rente & of the halfe of the pounde of Peper. But of þ hauke and the horse whiche can nat be leuened they shall haue but one Assye, for it were an absurdite & tryng inconuenient to make a playnt in a spyle of the halfe of an hauke, or of þ halfe of an horse. In lyke maner it is of the other rentes and seruyces that tenauntes in common haue in grosse by dyuers spyles.

### Parson all acciōs

*Actiones þsu-  
a&c.  
royntly among þ  
in common.*

¶ And ye shall understande that concernyng action, personals, tenauntes in common ought to haue them roynly in all theyz names, that is to saye of trespass or of offences that touche theyz tennementes in comon, as of breakyng of theyz houses, brekyng of theyz closes, and pastures, walyng and defoulyng of thiȝ grasse, cuttynge of theyz woodes, & of fyllyng in theyz pondes, and suche other, and they shall recover roynly damages, bycause the action is in the personaltye and nat in the realtye.

### Damaste

Tenaunt  
in cōmon  
shal haue  
one acciō  
of Dette

¶ Also þf tenauntes in common make a lease of theyz tennementes to another for terme of þre yeareþ lvyng unto them yearly a certayn rent, þf the rent be behynde, they shall haue one acciō of Det agaynst the lessle and nat dyuers acciōns, bycause the action is in the personaltye But in auoury for the sayde rent, they ought to leuene bycause it is in the realte as the assye is

### Auourye.

Tenauntes in common of chattels,

Tenauntes in cōmon. Fo. xxvi.

**T**is to be knownen, þ as there be tenautes in cōmon of lades or tenementes: so there be tenauntes in cōmon of possessiōns & p̄petuities of chatels als wyl real as psonall. Of real as if a lees be made of certayn landes to two men for terme of xx. yeres, and whan they be therof possessed the one graūteh that, þ unto hym belongeth, duryng the terme to another, he to whom the graunte is made & the other shall holde & occupye in cōmon.

**A**lio pf two. ioyntenauntes haue the warde of the bodye and of the landes of an heire wī age, & thone of the graūteh to another that, þ unto hym belongeth of the same warde, the he to whome the graute is made, & the other that graunter he nat shall haue a holde it in cōmon. Tornes naunt of awarde.

**A** Of chatels parsonals, as þ. ii. haue a toyn estate eyther by griste or by byenge, of an hōse, or of an ore, or suchē lyke, and the one of them graūteh that, þ to hym belongeth here shall the graunter and be that graunted nat, haue & possede suchē chatel parsonal in cōmon. And in suchē cases where dpuers psons haue chatels reals or personals in cōmon and by dpuers tytles þ. one of the dye, the other that suruyueh shall nat haue his felowes parte by the suruyueour, but the executors of hym that dyeth shall holde and occupye it with hym that suruyueh In lyke fourme as theyz testatour dyd or ought in hys lyke, forasmuche as theyz ryghtes and ryghtes were severall.

**A** Also in þ case aforesayd, þ two haue estate in cōmon for terme of yeres, and the one dothe

D. ii. occupye

## Of chatels.

**I**wyp de electione  
item.  
occupye all and put the other out of his posses-  
sion and occupation, the halfe that is put out  
haue agaynsite thorther a wyp de Election fyp  
me for the halfe. In semblaible maner where  
two holde the warde of landes or tenementes  
duryng the nonage of a chylde, yf one shal put  
out the other of his possesyon, he that is out  
shall haue a wyp, de Electione custodie of the  
halfe, bycause these thynges be chatels reals, &  
may be appportioned and seuered. But no acci-  
on ot Trespas lyeth for the one agaynsite the o-  
ther (as for example Quare clausū sūi frigat a  
herbam suā conculeavit et cōlumpit nos (suche  
lyke actions) forasmuche as eche of them maye  
entre and occupye in common. But yf two be  
possessed of chatels plonele in common by dys-  
hers tytles as of en hōse, or an ore, cowe, yf  
the one take it all to hym selfe out of the posses-  
sion of the other, the other hath none other res-  
medye, but to take it agayne from hym yf he  
done hym the wronge, whiche may be his tymē.  
**T**en in to me of that  
yelde & small yelde  
Item, no remydye  
in his folow-  
ing will.

**Le**elect  
one custo-  
die,  
Trespas

**L**e wife of Wm  
dyng wylle waile  
Two be possencioners of a warde of the body of  
a chylde within age, yf one shall take a chylde  
out of the possesyon of the other, the other hath  
no remedye, by any actiō at the lawe, but to take  
the chylde out of the others possesyon, when  
he leeth his tymē.

**F**ourme  
of plea-  
dynge.

**S**iſen

**F**ynally ye shall understande that whan a  
man in pleadyng & declaryng his cause wyll  
shewe a dede of feoffement made unto hym of  
a gyft in the tyme of a lease for tyme of lyke of  
any landes or tenementes, shall vse his termes  
in this wyle, and saye, by force of such feoffe-  
ment

Of pticiō by iōtenaūtes, Fo,xxvii.

mente, gyfte, or lease, was sealed.

**C** But where a man wyll declare or pleade a  
lease or a graūt made vnto hym of a chatel reāl  
or personall, these he shall say by loys of which  
he was possessed.

*Possessiōn*

**C** Of perteſion to be made by iōntenauntes  
and tenaūtes in cōmon inacted

Inno xxxiiij. H. viii.

**A** ll iōntenauntes & tenaūtes in cōmon  
of any estate of shertytace in theyz own  
ryghtes or in the ryght of theyz wyes  
realme of Engalde, Wales, or the marches of  
the same, shall and maye be compelled to make  
particion betwene them of the same whiche  
they so holde as iōntenauntes or tenautes in  
cōmon by wzyt de perteſion facienda to be  
dryusled in the chauncerye in lyke maner as to  
parceners are compelled to do, and the same  
wzyt to be pursued at the common lawe. And  
after suche perteſion made every of the sayd iōyn  
tenauntes & tenautes in common, shall & may  
haue ayde of the other or of theyz heyses, to  
richtent to dēsigne the warraunce paramouē  
and to recover for the rate as is vſed betwene  
coparceners after particion made by the ordre  
of the common lawe.

*A. f. addition  
de huius et ten  
in cōmon etc  
by estatute*

Wzyt de  
Partiſion  
facienda.

Ayde  
prayed.

**C** Item in the xxiii. yere of kyng Henry the  
viii. Cap xxii. It is further inacted that all  
iōntenauntes & tenautes in cōmon which holde  
iōynlype or in cōmon for terme of lyke, yere or  
peres or iōntenauntes or tenautes in cōmon  
where one or some of the haue estate for terme  
of lyke or peres with other that haue estate of

D. iii.

iii

## Of condicions.

Inheritaunce or free holde in any landes or othee  
hereditamentes shallbe compellable by wypre  
of Particion to be pursued out of the chauncery  
upon theyz casess to make seuerauance & partys-  
cion of all suche lades & hereditametes as they  
holde soynly or in common for terme of lyfe or  
lyues, pere or peres where one or some of them  
holde soynly or in common for terme of lyfe or  
peres with other that haue an estate of inher-  
itaunce or free holde. Provided that no suche  
particion nor seuerauance, be hurtful to any per-  
son other then suche as be partyes vnto þ sayd  
particion theyz executors or assignes.

## E Of condicions.

þ alsmuche as every estate is  
ether pure, or conditionall, it  
were nat amisse to make some  
declaracion of the nature and  
effycacye of cōditions. Wheres-  
fore ye shall vnderstande that  
of condicions, some be actuall  
cōditions, & be called expresse cōditions or con-  
dicioñs in dede, & other some be cōdicioñs in law  
whiche be called also in latyne Conditions tac-  
ite, sive cōditiones implicitæ, bycause they be se-  
cretely implied by the lawe and nat expressed.

Cōditions in dede be suche as be knyt and  
annered by expresse wordes to the feoffemente  
leale or graunt, ether in wypynge or without  
as for example þt I feoffe a man in certayne  
landes reseruynge to me and to my heires so  
muche rent perly to be payde at suche a feaste,  
and for defaute of payment, þt shallbe lawfull  
for me to require, this is a feoffement vpon cōdy-  
ng

## Division

Cōdicioñs in  
dede.

Of condicion. Fo. xxviii,

eson of payment. And here þ nat paymēt of the  
rent shall dissolve and vterly defete the feoffe-  
ment, cōblably it is of gyftes in tayle leases. &c.

¶ But of the condicion be, that for defaute of  
payment of the rent, it shalbe lawefull for the  
feoffour to entre agayne into the landes and to  
holdz them tyll he be conterred and sarskyed of  
the rent, this cōdicion nat performed doth nat  
dissolve nor undo the feoffement, but onely gyf-  
teth to the feoffour an auctorite to retayne  
the lades, (as it were by way of distresse) tyll he  
hath leuyed the arreages of the rente. And ye Dylstres,  
shall well marke and obserue, that condicions  
be sometyme made to be gþouemed on the feof-  
fes behalfe, and sometyme on the feoffours be-  
halfe. On the feoffes behalfe, as when I en-  
fesse you of landes or tenementes vpon cōdicion  
þ ye shal do such an act, as to pay unto me  
or to myne heyyes iuche aunnell rent.

¶ On the feoffours behalfe, as when I make  
a feoffement unto you vpon cōdicion that þ I  
pay or cause to be payde unto you before such  
a day iuche a summe of money, then it shalbe  
lawefull for me to entre agayne and retayne my  
landes in my former estate. In this case he þ is  
the feoffee, is called tenaūt in morgage, whiche  
is as much to say as dede gage, and it semethe  
that þ cause why it is so called, is for as much  
as it is doubtfull whetheres the feoffoure wyll  
pay at the day lymyred & prescrybed iuche sume  
of money for the redēption of his landes or  
no, for þ he do nat his entelle or entresse in the  
landes thus gaged and oppygnazate is vterly  
expcncte & gone without all hope of rēnnyngage.

¶ Ye shal also note, that þ the morgageoure

D. illi.

dyeths

condicion of your  
entandes to holdz  
them till þe  
feoffor do stande  
for þe rent

Condition on the  
Feoffors or fufte  
60 halff

morgagin wif mor-  
tice vadum  
Tenaūt  
imorgage

## Of condicions,

*soys to may el  
done the land  
his father dīng done,  
Before day of  
payement.*

Dreth before the day of paymet, his heire maye  
redeme the lande very wel, even as well as his  
auncestour þ morgaged, the lande myght haue  
no remedie for his money at the comon lawe.

**C** Also þ when the money is lawefullly by the  
morgagour of his heire tendred and profered,  
and þ fester refuseth to receyue þ same þ feso-  
four of his heire may ente, & thā hath þ feofee  
no remedie for his money at the comon lawe.

**C** Y: Shall understande also, that some condic-  
tions be vterly boyde in þ law, & of none effect  
carpe, vertue, or strengþ, as þ a feoffement be-  
made of landes in fee symple vpon condycyon,  
that the feoffee shall nat alvene or put away the  
same to none other, this condicion I saye is  
boyde, bycause the feoffee is restrained of hys  
hole powre that the lawe gyuereth in luche case  
vnto hym, and, whiche powre andþþerre, is  
in maner included in every feoffement. Yet I  
maye abyddge hym of parte of his power, as  
to condicion with hym that he shall nat alvene  
the landes to lucher persone or luche, But of

**G**ylte in  
gylte in caple  
caple wþo  
condicion.

*otherwise of  
gifts in tail*

gylte in caple otherwise it is, for þ I gyue  
landes to a man and to the heires of his bodye  
lawefullly begotten vpon condicion that he noȝ  
his heires shall alvene the landes to none other  
personne, this condicion is good and effectuall  
in the lawe, and þ he or his heires contrary to þ  
condicion do alvene them, thā the gyuer or hys  
heires may very well ente and recayne the lan-  
des for cure bycause this condicion shall stande  
with the fornamed statute of Westmynster se-  
conde whiche prohibyeth luche alvenacions to  
be made.

**H**ytherunto

## Of condicions. Fo.xxix.

¶ Hyperunco haue I spoken of cōdicionis in  
dece, nowe wyl I shewe what be cōdicionis in  
lawe that be annexed to any estates.

¶ Knowe pe therfore, that yf the office of a vpon cōs  
Parker, Rewarder, Lōstable, Bedell, or baplyke dicioñs in  
or such lyke office be graunted to a man for tyme lawe.  
of his lyfe, thoughe there be no condicione at all  
mentioned in the graunt, yet the lawe speakeþ  
of a cōdicion in this case, whiche is that yf the  
parte to whom suche office is gyuen shall nat  
execute all poprtes apperteynyng unto his of  
fice accordyngly, by hym selfe or his lawful de  
pype, it shalbe lawfull for the grauntour to tēre  
and discharge hym of his office and this condic  
tion is called a cōdicion in lawe. There be also <sup>3 maners of</sup>  
þre other maners of estates vpp̄ cōdicion that  
is to saye, condicione agaynst the lawe, condic  
cione repugnant, and condicione impossible.

¶ First estates vpon cōdicion agaynst þ lawe; Cond  
icione, as yf a man maketh a feoffement, gytt graunt tions as  
or lease vpon condicione that yf the feoffours,  
donours, graūtours, or lessours kyil J. H. whi  
che is nat the kynges enmy, or buene his house  
that then it shalbe lawfull to the feoffours, do  
nours, &c. to reenter, this condicione is vnde  
and the state is good.

¶ And lyke lawe is yf such cōdicionis be to be  
groumed of the parte of the feoffe, graunt. &c.

¶ But yf case be þ a lease for tyme of yeres  
be made of lande vpon condicione that yf the  
lessee kyil J. H. that then he shall haue fee simple  
although that he in this case pformē the cons  
dicione, his estate is nothyng thereby enlarged  
by cause the condicione is agaynst the lawe.

¶ Also ye shall understande that where an obe  
D. B. legacys

~~an oblygacion made to la condicione against  
to lawe, both and void in the lawe.~~

### Of condicions.

**Obligas** lygation is endorssed with a condicione the whiche  
is agaynt the lawe; both the oblygacion & also  
the condicione be clerely voyde in the lawe.

**Condicio-** **E**states vpon condicions repugnante be as  
ons re- ys a feoffement or a gyfte in tayle be made vpon  
pugnant, condicione that the feffee, or donee, shall take no  
profeite or shall do no wakt, and such other lyke  
and the  
state good  
suche condicions be voyde and the state good  
and effectuall in the lawe notwithstandingynge.

**E**Also ys a lease made for terme of lyf: vpon  
condicione that he shal do no fealte this is a voyde  
condicione.

*grant good  
condition be  
good.*  
**Pock 731.**

**L**ykewylse it is ys a man that hath nothing  
in the maner of Hale graunteth a rent charge  
goyng out of the same vpon condicions þ his  
person shall nat be charged this grant is good  
and the condicione voyde.

**Condicio-** **E**states vpon condicions impossible be as  
ons im- ys a feoffement be made vpon condicione that re  
possible. the feffee goeth nat throughhe the see on for to  
bys & his Laleys in one day then it shalbe lawefull to the  
feffer to rentre, this is a frustrate & voyde con  
dition and yet the state is good.

**E**Lyke lawe is of a lease made for terme of ye  
res. &c. or an oblygacion with a condicione im  
possible. be stp. the oblygacion, or lease is good  
and condicione voyde to all purposes.

**C**In acte howe straungers shal take auantage  
of condicions made. In. xxii. H. viii.

**I**t is enacted that aswell person whiche  
haue or shal haue any gyfte or graunt of the  
kyng by his letters patentes of any lan  
des, personages, tytles, or other heredytamen  
tes, or of any revercion of the same whiche dyu  
belonge

## Of condicion.

Fo. xxx.

belonge to any monastery or other ecclesiastical house dyssolued or otherwyse come into the kynges handes lrys the viij. day of Februare  
in the xxvij. yere of our soueraigne lord kyng  
Henry the eyght, or whiche at any tyme hereto  
fore dyd belonqe to any other person, and after  
came into the kynges handes, as also all other  
persons beyng grauntes or assygnes to the  
kyng or to any other person, theyz heyses ex-  
ecutours, successours, and assygnes, shall haue  
lyke auantage agaynst þ fermours, theyz ex-  
ecutours, admynistratours & assygnes by entrey  
for nat paymēt of the rent, or for dōyng walk  
or other fortaperte, & also shall haue þ same as-  
uaitage by action onely for nat þurmyng of  
other condicions couenant or agremētes cōtey-  
ned in the indentures of theyz leesles or grautes  
agaynst the layde fermours, and grautes, theyz  
executours, admynistratours, & assygnes, as þ  
layde lessours or grauntours the selues myght  
haue had at any tyme. And agayne mutuallye  
and on the other syde, the layde fermours, and  
grautes for ierme of peres, lyfe, or lyues, theyz  
executours, admynistratours, & assygnes shall  
haue lyke auantage agaynst the for any condi-  
cion couenant or agreement cōteyned in the layde  
indenture, as they myght haue had agaynst  
theyz layde lessours, & grauntours theyz heyses &  
successours all benefytes & aduaantage of eco-  
nomyes in value by resþ of any warraty of dede  
or in lawe by voucher or otherwyse only except  
**C** Prouyded that this acte shall nat extende to  
charge any person for brecche of any couenant  
or condicion compyled in any suche wrytyng  
but for suche as haile be broken and nat parfor-

mēd

## Lyuery of season.

med after the fyrt dage of September in the  
xxiiij. yere of this kyng and nat before.

## C Lyuery of season, and atturment.

*The alteracio[n] of possestio[n] of tenementis can be w[th]out h[er]eby of scacion*

*The maner of lyuerye of season.*



In all feoffementes, gyftes in tayle, leases for tyme of lyfe, or for tyme of a nothors lyfe, or lades of tenementes, there can be no alteracyon or transmutation of possesyon by the auctorite of the kynges lawes of this realme on lesse ther be a certayne ceremonye adbyuted and solemnysed in the presence and syght of neyghbours or others, whiche ceremony is calld lyuery of season.

¶ And ye shall understande, that this ceremony of lyuery season is done, whan the feofour, do[n]our, lessour or theyr deputye come with the neyghbours solemnly to the landes or tenementes, and they put the feoffe, wnee or lesse in possessyon of the sayd landes or tenementes by de lyuerynge unto hym a clodde of erth or þryng[e] of the doze, or some other thyng[e] in the name of season, and for this selke cause this ceremonye of lawe is called lyuery of season that is to say a tradition or gyvynge of season.

*Divesles  
re betw[een]e  
ne possesse  
sion and  
lyuerye not re  
quired of less  
or yeres o[n]e*

¶ But this ceremony is nat required in lesses for terme of yeres or in lesses of wyl forasmuch as the lessour in liche case remayneth still lessed, and the lessee hathe only possessyon withoут the sealline, and therfore the termes of the lawe be, that such a man is possessed, where as in feoffementes, gyftes in tayle, and leases for lyfe, he is called sealed.

L.H. 324

Where

L

And attourment. Fo. xxxi.

**T**Wherfore yt a feostemente or lease for lyfe  
be made of landes or tenementes and before þ  
the lyuccy of sealine be made the lessoure dyeth  
the heire of the lessoure shall haue the landes  
per summum ius, that is to say by the rigour of  
the lawe, natwistadynge that the lessore hath  
payde to the lessour the ppyce of the lande, and  
althought the lessore be in possession. But others  
wyse, it is of a lease for tyme of yeris.

**C**lyke ceremony is vsed, whan rent charge  
rent seruyce, rent in grosse, auoulon in grosse,  
a byllayne in grosse, comon in grosse, comon for  
beastes cerayne, esquers, & such other thynges  
as passe by way of graunt, be graunted for  
it is no full & ppyte graunt, till it be cōsignaate &  
sealed as it were w þ ceremony of attournement.

**C**This attournement is nothynge els, but whē attornies  
the reauant of the lande of whch the reuelsyon meane,  
is graunted, or out of whiche a rent is graunted  
do make some evydent signification and toke  
that he accepteth the person of whō the graunte  
is made to be in the same respect vnto him that  
the grauntyor was. As soþ an example, þf the  
tenaunt of the lande after he haue herde of the  
graunt cometh to the graunter that is to wyt,  
to the person to whom the graunt was made &  
say in this wyse, or in lyke effecte,

**C**I agree me vnto the graunt made vnto you Howe at  
þf such a man, or I am well apayde & cōcēted tūnemēt  
of the graunt þf such a man hath made vnto you Malbe  
But the most vsuall & frequent forme of attur-  
ment is to saye. Hyy I atturne vnto you by  
þf the sayd graunt, or I be come your tē-  
naunt, or to delþuer vnto the graunter a peny  
or a halfe peny by way of attournement.

summe ius summa  
mīnēt a

þt may be his  
þpart wþ vñlē  
such ḡt is not ȳ fit  
wþth out Attur-

attornies

þf the Attur-  
mēt of þt tē-  
naunt

## Lyvery of season.

two gxa. brude  
that shall stand  
to w<sup>t</sup> the ten  
atturineth.

with out attur.  
the ten<sup>t</sup> the tenur  
shall not poff-

Druers  
lyse.

Differenc in giving a  
peny in way of  
and in way of  
lesyn

Allyse.

Wryt of  
Wescous.

Attur not need ful  
of wher ther is a  
deme of arreyn-  
ing fee. or arct  
charge of Atturne-  
ment is

If a man maketh fyft one graunt to one  
perlon, & after another to another perlon that  
graunt shall stande to whiche the reauant wyll  
atturne althoouge it be the latter graunt.

And perh all note, that if a man be sealed  
of a manour whiche is paecell indemene, & per-  
cell in seruice and dothe alvynge the same thas  
hour to another, onlesse the tenures of þ ma-  
nour do atturne þ seruice shall nat passe, only  
tenures at wyl excepted, for it nedeth nat to  
cause them to atturne.

Note furthermore there is a great diffe-  
rence betwene gyuyng a peny in name of les-  
yne, and gyuyng by way of atturnement, for  
whan it is gyuen of the reauant to that graunt  
in the name of lesyne, it doth nat onely impo-  
an atturnement, but also it gyuerth hym suche a  
tealynge, that yf the tyme afterwarde were bes-  
hrnde and nat payde, he maye nowe vpon the  
sealynge of the peny, aft a lawfull distres take d  
after recouers made, bynge an Allyse of Houl  
dist. alyne; where as yf it were gyuen onely by  
waye of atturnement he coulde nat bynge the  
Allyse, but his wryt of Wescous onely.

If a man make understante, that wher lades  
be deuytable by testament by the custome of any  
aunciente boroughe or cytye, yf there the reue-  
rion of any landes be by testaments bequeathed  
to a man to see, and the testator whiche we cal  
the decyplour dyeth the deuyse, that is to wryte  
he to whome the deuyse was made hath to þe  
with the reuerlion in hym without furher re-  
monye of atturnement. Lykewyle it is þe  
man by testament doth bequeath a rent charge  
that he is sealed of, or a rente seruice, there no  
deut

and attourment. Fo. xxxij.

nat aliqui

deth none attournement at all.

lyce.

If two ioyntenautes be of lande and the lordc graunteth the seruyces to another, yf one ~~on affiuation~~ of the ioyntenautes atturnethe it is knoughe fynally, yf a lease be made for terme of lyfe, & remaynde to another in caple, the remaynder ouer to the ryght heire of the tenuante for time of lyfe, yf in this case the tenuant for terme of lyfe wyl graunte his remaynder in fee to another by his dede, this remaynder passeth forthe with without any attournement, for if any attournement were required, it shulde be made of the tensant for terme of lyfe, which in this case is the grauntour hym selfe. And in dayne it is þ the grauntoure shulde be informed to atturne sych an attournement is adhivated & had to none other purpose, than to have the consent & agrement of the particular tenuante, to thinten þ it may appere, that he hath notyce and knowlege of this graunt but here where as þ particuler tenuant hym selfe is the grauntee, an attournement were superfluous, and more than neded.

Note furthermore þ where there is lordc and tenuant and the tensant leaseth his tenuantes to a woman for lyfe le remayndre ouer in fee the woman taketh a husbāde & after the lordc graunteth the seruyces .  
to the husbāde in this case duryng the coverture the seruyces be put in suspence. But yf the wifc dye lyvynge the husbāde, the husbāde & hys heires shall hane þ rent of ihē in the remayndre .  
And in this case there nedeth no attournement by worde because the husbāde that ought to atturne accepþ graunt of þ seruyces the whiche acceptance is one attournement in the laws.

Suspēce

acceptancem  
in law.

### Of seruice.

*Ex exceptione  
in frank almoys*



Ytherunto haue I byprefyle som-  
ched & ouerturne the sundry kno-  
des and formes of estates. Now  
forasmuch as there is no tenure  
but bathe unto some seruice  
kynde and annexed, it were very  
i.c. wary to declare howe many kyndes of ser-  
uices there be, & what seruice is due to euerie  
tenure. For the knowlege hereof ye shall vnder-  
stande, that the principall and most common  
kynde of seruice that the tenaunt oweþe to his  
lorde is called knyghtes seruice.

### Knyghtes seruice.

**K**nyghees seruice includeth homage, se-  
alpe and for the most part escuage, and  
wholouer holdeth his lades by knyght  
seruice, is bounde by the lawe of this realme  
to do unto his lorde homage and fealte, and to  
paye for most parte escuage, when i. shalbe ac-  
tissted by auothorite of parliament, as hereafter  
more plagnly shalbe declared.

### Homage

Howe þ  
tenaunt shal  
do homa-  
ge.

Homage is the most humble and reverent  
seruice that a man of free estate & condition can  
do, for when the tenaunt shall do homage to his  
lorde, the lordes sytre and the tenaunt than  
knele before hym, vpon both knees, holdynge  
his handes betwene his lordes bandes, and say  
in this wylle. I become your man to thys day  
forthwarde of lyfe and of never end of earthly  
honoure, and to you shalbe faythfull and true  
and rayle to you shalbe free to the land, s þ I  
clame to holde of you sauyng the faythe þ I  
bearre unto our souerayne lorde the kyng, &  
then the lorde so spayng shall hysse hym. But  
yl an ecclesiastall person whiche by his ordres  
end

Knyghtes seruyce. Fo. xxxiiii.

and profyssyon hathe addycted hym selfe to the seruyce of God in espayall, shall do homage to his lord he shall say: I do to you homage, and shall be to you faythfull and true, and sayth to you shall beare for the tenementes that I holde of you, lauyng the fayth whiche I owe to our soueraygne lord the kyng.

What a  
religious  
pslon wal  
saye whā  
he doth  
homage.

Also whēn a woman nat maryed doþe homage to her lord, she shall nat say, I become your woman, for it is nat conuenient þ a woman shulde be the woman of any other then of her husbande that she shall marye, but shall saye even as the ecclesiasticall person sayth: I do þu to you homage. &c

What a  
woman  
shal saye.

And yf þer haue a man holderthe londys landes and tenementes of londys lordes, and every of them by knyghtes scrupce, then in the ende of his homage makyng he shall saye lauyng the fayth þ I owe to our soueraygne lord the kyng, and to myne other lordes.

And none is bounde to do homage to the lord, oules it be such a tenaunt as hath in þt naūce an estate of fee simple, or fee tayle, eyther i his owne ryght, or in þt ryght of another.

What te  
naunt shal  
do homas  
ge.

For yf a woman haue landes or tenementes in fe simple or fee tayle, whiche she holderthe of her lord by knyghtes seruyce, and taketh or husbande and haue yssue, in thys case the husbande in the lyfe of hys wyf shall do the homage, because he hathe a tytle to haue the lans wife having husbandes by the curtesy of Englannde yf he ouerlyȝ with her, and also he holderth them nowe in his wifes ryght, yet before yssue hadde betwene for the tylde wiþ them the homage shall be made in boþe theyȝ no may haue names. But yf the woman dyer before any hoþe the lans after made in boþe thier hands

husband taking  
wife having  
tytle to haue  
the lans  
after made  
in boþe thier  
hands

## Knyghtes seruyce.

homage made in her lyfe, & the husbāde in her  
lyfe, and the hulbande keperthe syll the landes  
as tenuant by curtesy, nowe he shall nat do ho-  
māge to his lordē bycause he hathe nowe an es-  
tate byz for terme of lyfe.

### Fealte.

**F**ealte is as much to say as a fidelite or  
faythfulnes, in doynge wherof the tenuant shall  
holde his bande vpon a booke, and saye thus.  
**H**owe a tenāt shall full and true, and fayth to you shall beare for þ  
do fealte. Hearre you this my lordē, I to you shalbe fayth  
landes and tenementes, whiche I clayme to  
holde of you, & duelyle shall do you the custome  
and seruyces whiche I owe to do you at þ tyme  
mes assigned, as me helpe the God & his saites  
And then he shall kylle the booke, but he shall  
nat knele as he that doth homage, nor do such  
humble or reuerent seruyce as is before declared  
in homage.

### Dyuer- site be- twene ho- māge & fealte,

**A**nd ye shall obserue, that homāge can nat  
be done but to the lordē hym selfe, where as the  
stewardes of the lordes court or the baylif may  
take fealte for the Lordē. Also tenuant for  
terme of lyfe shall do fealte, but homāge as I  
sayde, he can nat do.

*Homage must be  
done to the lord  
himselfe - fealte  
may be done to the  
servant - etc*

### Escuage

**F**owe as concernyng escuage, that is to  
say, the seruyce of the kynde ye shall vnderstante  
that he that holdeth his lādes by escuage, whē  
the kyng makeith a wyage royall into Scōts  
lande for the subduyng of the Scōts, is bounde  
to be with the kynges Maiestie by the space of  
xij. dayes well and conueniently arrayed and ap-  
pointed for the waire. And he that holdeth his  
lāde but by the moynte of the fee of knyghtes  
seruyce, is bounde by the force of his tenure to  
be with the kyng by þ space of xx. dayes, and

Knyghtes seruyce, Fo. xxxiiii.

so proporcionaly to the rate and  
quantite of his tenure.

¶ But nowe to our institute and purpose, af-  
ter this bygge ryall into Scotlande, in whiche  
the kyng goethe in persone, and after the  
retayre into Englannde agayne, a parlyament is Parlyam-  
ent to be commoned, in whiche shalbe prescri-  
bed and assed whan every person that helde  
his lande by homage and wente nat with the  
kyng neyther be hym selfe, nor by his depurye,  
shall pay to his lord in satisfacion of his nat-  
seruyng, and accordyng to the tarioun hereof  
every tenaunt shall paye to his immediate lord  
whether it be the kyng or other after the rate &  
porcion of his tenure if he holderhe by an holde  
fee, he shall paye the hole escuage, yf by a moy-  
tyme, the halfe, yf by the fourth parte of a fee or  
fourth parte. &c. and this money thus assed  
is called scuage or escuage, for which the lord  
to whom it is due, may very well for the none  
payment therof distreyne.

¶ But here it is to be noted, that some te-  
naunes by custome vsed to me out of mynde are  
bounde to paye but the moytyme, or the thyrd  
parte of that whiche shalbe assed and lymyt-  
ted by acte of parlyment.

¶ Yea, and the custome is in some place, that  
to what summe of money so euer escuage is  
assayed, the tenautes shal pay never but such  
a certayne summe of money and this kynde of  
escuage is called escuage certayne, that is to  
say where escuage is assayed by the parlyament  
to a moze or lesse summe the tenaunt to pay to the  
lord. v.s. and no moze nor no lesse. &c. such a  
tenure is called Hocage tenure & hat knyghtes

Dystress  
for escu-  
age.

+ ent by custome  
paid but the  
sum. by or q. plo-

Escuage  
certayne.

## C swarde maryage.

servyce, where as the other is called escuage  
vncertayne.

### Escuage vncer- tayne.

**E**tynally pe shall vnderstāde, that escuage  
vncertayne is awytes adiuged to be knyghtes  
scrupce, and draweth, vnto it warde maryage  
and telyke but escuage certayne is no knyghte  
scrupce but is of þ treure of lōtag: as shall  
be hereafter more ampli shewēd.

## C Of warde maryage and telyke.

**E**very knyghtes scrupce draweth vnto it,  
warde, maryage, and telyke. Whefore  
it is nowe ryght expedient somewhat to  
entreat of them.

**C** Ye shall therfore be admonysched, þ when  
the tenaunte whiche holdeth his lande by knyghte  
scrupce dyeth, his heire male byngynge at that  
tyme within the age of .xxi. yeres, the lordē shall  
haue the warde, that is to saye, the custodye of  
kepyng of the landes so holden of hym to his  
owne use, and profyte, vntil the heire commeth  
to the full age of .xxi. yeres. For the lawe here  
presumeth that vntil he come to this age, he is  
not able to do liche scrupce, as is of this tenus  
re required. Furthermore þ liche heire is be  
vnyarged at the tyme of the deathe of the te  
naunte, then the lordē shall haue also the warde  
and the blyowyng of the maryage of hym.

### Warde.

### maryage

### The full age of a woman.

**C** But þ tenaunt by knyghtes scrupce dyeth,  
his heire female byngynge of the age of .xiii. yeres  
or above, then the lordē shall haue the warde  
neþer of the lande ne yet of the bodye of such  
an heire, and the reasone hereof is bycause a  
woman of that age maye haue a husbande abyse

And relyefe.

Fo. xxxv.

to do knyghtes seruice that is to say, to wayte  
vpon the kynges maiesties persone when he  
auaereth into Scottlaude with his armys royall.

¶ But of such an heye female be within ~~heyre feme not ma~~  
age of 14. peres & nat marped at ~~the~~ tyme of the ~~her~~ vied lord Malholme  
death of her auncestour, the the lord haue the land till her  
the warde of the lande holden of hym tyll such age of 16. toest  
heye female commeth to the age of xvi. peres. L.  
by force of an acte of parliament: in the statute  
of Westmynster the fyfth. Capi. xxii.

¶ Note that there is a greate diversitie in the  
lawe betwene the ages of females & of males,  
for the female haue these many ages apporsned  
by the lawe. Fyfth, at. vii. peres of age the  
lorde her father may dylstrapne his tenautes  
for syde to mary her. Seconde at. i.e. peres of  
age, she is dowable. Thrydelye, at. xiij. peres  
~~she is able to assent to matrymonye.~~ Fourthlye  
at. xiiiij. peres she is able to haue her lande, and  
shall be out of warde yf she be of this age at ~~the~~  
death of her auncestour.

¶ Fyfthlye, at. xvi. peres she shall be out of  
warde, though at the death of her auncestour  
she was within age of. xliij. peres.

¶ Sixtlye, at. xxi. peres she is able to make aliena-  
tions of her landes or teneementes. Where as the  
man hath but two ages, the one at. xliij. peres  
to haue his landes holden in socage, and to ass-  
sent to matrymonye, the other at. xxi. to make  
alienations.

¶ Ye shall vnderstande that by the Statute  
of Ricarde, the fyfth chapter, it is enacted yf it  
in case the lord do marye theys warde to vyl-  
laines or others, where is dispargemente, yf  
such heyses so marped be win the age of. xliij.

C. iii.

peres

Diversitie  
of age.

sixtlye  
Age of a  
woman.

ix. of 16.  
The age  
of a man

## Of Warde maryage.

Pis part agnew  
of an hou

peres or of such age that the layde warde can nat consent to the maryage, then of the frysdes of this heye complayne and sele them selues grieved with this blanke maryage, the next of kynne to the heye, unto whome the herytage can nat descend, may entre into þ landes, and þt out the lord whiche is gardyne in cheual ry, and of the nexte kyndman wyl nat thus to another kyndman of the infante may do it, & shal take the issue & pkytes to the behouse & vse of the heye, & shall yelde accōptes therof unto him whan he commeth to his full age.

Accompt  
gryng.

Dyuers  
disparge  
luchies.

Also there be dyuers other dispargemens tes, whiche be nat expressed in the layd statute, as of the heye beyng within age of consent, & in warde, be marayd to a decrepitive person or creyllas to one that hath but one tote or one hanter, or that is a dysforme creature, or has vppre any horible disease or contynall infirmitie. But these and luches lyke be dispargemens tes. But here also ye shall understande that, it shal be layde no dispargement, onles the heye be so marayd when he is within the age of discrecion, that is to saye: within the age of xiii. peres. For yf he be of that age or aboue and consenteth to such maryage, it is no dispargement neyther shall the Lord for suche maryage losse his warde, bicaus le shall be reputed and assignd to the folys of the heye beyng of age of discretion, to consent to suche maryage.

Nowe yf the lord, than beyng gardyne offre to the heye beyng in his warde a conuenient maryage without dispargement, and the heye refuseth it, as he may at his choyse and election very well do, than the lord shal haue þ value

no dispargement  
but when the  
heye is within  
age.

And relyefe. Fo. xxxvi.

value of the maryage of suche heye whā he cometh to his full age. But yet yf he marye hym selfe beyng so inwarde agaynst the wyl of his gardayne, than he shall pay the double value by force of y statute of Henrie before remembred.

¶ And ye shall note, that yf landes holden by knyghtes seruyce descende to an infant or chylde within age fro his mother or from any of his auncelours, his fathur beyng yet a lyve, i this case the lord shall nat haue the maryage of his heye, for duryng the lyfe of the fathur, yf lone shalbe in warde to no man.

¶ Fynally, it is to be knowne, yf he whiche is gardayne in cheualry i ryght, may after he hath sealed the warde, graunte the same eyther by deede or without deede to another man and than he to whom suche graunt is mad: is called gardayne in fayee.

¶ Nowe as touchyng releyfe, ye shal know what yf a man holdeth his lade by knyghtes seruycē & dyeth his heye beyng of full age, yf ful age of the male is .xi. yeres of the female .xiii. then the lord of whom the lande is holden shall haue of the heye releyfe.

¶ Note ye þ at Erles Barons or any other þ kynges tenautes holdyng of hym in cheisfe by knyghtes seruycē dye and at þ tyme of his deth his heye be of full age that is to say .xi. yeres he ought to pay the olde releyfe for his inherys taunce, that is the heye or heyes of an Erle for an Earldome an hole Erledome one hundred þ markes. The 100<sup>t</sup>. heye or heyes of a Barone for an hole barony for a Barony one hundred þ markes. The heye or heyes of a an hundred marks bought one hundred þ markes and he þ hath for a knyght 3 leiles, wall gye leile accordinge to the olde cus̄tome.

Value of  
marriage

Statute of Henrie

Double  
value of  
marriage

One shal  
nat be  
warde lyng  
uyng hys  
father.

garden in Drury  
st in fai

releyfe. of the  
heire & being of  
full age.

Wrelefe.

Earldome

100<sup>t</sup>.

Barony.

one hundred þ

marks.

For a knyght

3 leiles,

wall gye leile

accordinge to the old cus̄tome

## Seruyce of castell garde.

Some of fees lyke lawe is obserued of al other  
that holdeth of any other there lordes inmedys  
are vt supza.

*joyful knight*  
*for.*  
Also a man may holde landes of a lorde by  
two knyghtes fees, & tha þ heyrre bryngge of ful  
age at the deeth of his auncelours, shal paye to  
his lorde for relyeze x. pounds.

## Seruyce of castell garder.

*Castell gard*  
Y<sup>e</sup> shall understande þ a man may holde  
by knyghtes seruyce and yet nat holde  
by escuage, nor shall pay no escuage, for  
he may holde by castell garder, that is to saye;  
by seruyce to kepe a towre of his lordes castell,  
or some other place, vpon a reasonable war-  
nyng, whan his lorde hereth that ennemys  
wyll come or he al redy come into Englannde.

Grounde i  
the lawe.  
This seruyce is also knyghtes seruyce, and  
drawethe to it warde mariage and relyeze, as  
in all cases the common knyghtes seruyce doth.

## Of graunde sergeantte.

  
Here is also another kynde of  
knyghtes seruyce, whiche is  
called graunde sergeantte, that  
is where a man holdeþ the hys  
lades or tenementes of þ kyng  
by such seruice as he oweþ in  
proper pson to do, as to bears  
the baner of our soueraygne lorde the kyng  
or his spere, or to conduete hys hoste, or to be  
his marshall or to be þ lewar, earuer, or butlar  
at the feaste of the coronation, or to be one of þ  
chamberlaynys of þ receypt of his eschequerie,  
or to do lyke seruyces to the kyng in proper p-  
sons

Of grande sergeantie. Fo. xxxvii.

sonc, liche maner of seruycce I saye, is called graunde sergeantie, that is to saye a greate of hygh seruycce, and the cause why it is so called is bicaus it is the moste honorable and moste worthye seruycce that is, for he that holdeþ the by escuage is nat appoynted by hys tenure to do any other more spesyal seruycce than another is bounde þ holdeþ þ by escuage, but he that holdeþ the by grande sergeantie, is bounde to do some *specyall seruycce to the kyng*.

Itemost  
hygh ser-  
uycce.

**C**Also yf he that holdeþ the by grande sergeantie deth, his heire beyng of full age, than the heire shal pay to þ kyng for relpe, nat onely £.s. as he that holdeth by escuage shal do, but moxouer the clere perely value of those lades & tenementes whiche he so holdeþ of the kyng by grande sergeantye.

Wilek of  
the reaþ  
by graud  
sergeaus-  
tye.

**C**Furhermore ye shall obserue that in the marches of Scotlande some men holde of the kyng by coynage, þ is to saye, by blowynge of an horne to thintente to warne the men of the towþ when they heare that the Scottes or oþer ther enemys be commynge or be alredye entred into Englannde whiche seruycce is also a kynde of grande sergeantye.

Citizens termed

**C**Graunde sergeantye therfore is as muche to saye in Latyne, as magnum seruitium, that is to say, a greate of hygh seruycce, þþe as petite sergeantie is called Parvum seruitium, that grantys.

Tenure  
by coyn-  
age.

**C**But to reuerre agayne to the mater ye shall note yf any tenant holdeþ the by liche seruycce of cornage, þt is no grande sergeantye but yet nevertheles it is knyght seruycce, & draweth to it warde ms.

Diffrin-  
tiō of ser-  
vantys.

E. v. ryage

## Petite sergeantie.

Mole in the lawe. rage and reliefe for this is a rule infallyble þ  
none can holde by graunde sergeantie but of the  
kynges owne maiestye.

From Gerian. If finally ye mal vnderstaide, þ al they which  
on ly of the holde of the kyng by this seruice called graunde  
King. sergeantie do holde of the kyng by knyghtes  
seruice, and by vertue of this tenure the kyng  
Grand Soc. haue of the warde mariage & reliefe, but  
ward mariage escuage yet he shall nat haue of the onelies they  
mid reiife holde by escuage of him by expreste and special  
wordes.

## **C** Petite Sergeantie.

**B**Enaunt by **Petite Sergeantte** to he  
that holdeth his lande immedyate  
ly, of our soueraygne lord h kyng  
by this maner of seruyce, to pay to  
the kyng yerele eyther a Bowe,  
a Dvere, a Dagger, a payre of gauntlettes, a  
payre of Spores of Golde, a Shafte, or such  
other small thinges appertaynsge to the warre  
and this seruyce is effecte but locage, bycause  
that suche a tenuant is nat bounde by his tenure  
to go ne do any thynge in his owne proper par  
sone touchyng the warre, but onely to redre &  
pay yerele certayne thynges to the kyng, as a  
man ought to pay a rent. Wherfore thys ser  
uyce of petite sergeantty is no knyghtes ser  
uyce, but yet ye shall note, that a man can nat  
holde neyther by petite sergeantty, neyther by  
graunde sergeantte, but of the kyng onely;

## **Homage auncstrell.**

**T**hen as by homage auncestrel is he which holdeth his lande of his lord by homage and bothe he and his anncestours whose heyn he

## Homage aūcestrell. Fo. xxxviii.

he is haue holden the same lande of the sayde  
Lorde and of his aūcestours tyme out of mynde  
by homage and haue done vnto them homagē,  
and this is called homage aūcestrell, by rea-  
son of the longe contynuance whiche hath bene  
by ryle of prescrlypçyon as well concerneyng  
the tenauncy in the bloude of the tenaunte, as  
concerneyng the lordeshyppe in the Lorde. And  
this seruyce of homage aūcestrell draweth vnto  
it warrantye (that is to say) of the Lorde  
whiche is nowe in lyfe hathe ones receyued the  
homage of his tenaunte, he ought to warrant  
the same tenaunt, what tyme so euer he shalbe  
impleaded or surd for luche lande so holden of  
hym by homage aūcestrell.

Warrē  
tie bycaw  
le of ho-  
mage aū-  
cestrell.

¶ Moreouer luche seruyce of homage aūce-  
strell draweth to it acquittal, that is to say, the  
lorde ought to acquite the tenaunte agaynst all  
other lordes that can demaunde any maner of  
seruyce of the tenauncy.

Acquital.  
The lord ought  
to acquite the  
tenaunte

¶ Wherfore ys in this case the tenaunt which  
holdeth by homage aūcestrell be impleaded of  
his landes, and boucheth or calleth his Lorde  
to warrantye, who commeth in by processe and  
demaundethe of the tenaunte what he hath to  
bynde hym to the warrantye, and the tenaunte  
sheweth howe he and his aūcestours, whose  
heyre he is, haue holden his landes of hym & of  
his aūcestours tyme out of mynde, surely the  
lorde ys he can nat denye this and ys he hath re-  
ceyued the homage of luche a tenaunt, is bounde  
by the lawe to wareaunt hym his lande, so þ ys  
the tenant lose his landes in defaute of þ lorde  
thus bouched, that is to say, called to warrant-  
ye, he shall recouere agaynst hym, so muche in  
value

Woucher

## Cf lyveryes.

value of those landes and tenementes which þ  
Lorde had at the tyme of calyng to warrantys  
or at any tyme after. But yf the lordne never re-  
ceyued the homage of his tenuant, then he may  
**Disclay**s  
me.  
very wel whiche is thus bouched dysclayme in  
the lordship or leignory, and so put out the re-  
naunt of his warrantys. Where ye shall note  
that in every case where the lordne disclayme in  
his leignorye in court of recorde, his leignorye  
or lordship is extyncte, & the tenaunt shall holde  
brothenesforthe of the nexte Lorde to hym that  
thus dysclaymed.

**C** Thus ye perceyue that homage auncestrell  
is nat but where as is a longe contynuance, as  
wel in the blode of þ tenuant in respecte of his  
tenancy, as in the blode of þ lordne in respecte of  
his leignorye. Wherfore þt the tenuante dothe  
ones alwayes his landes to another, although he  
purchase the same agayne, yet he shal nat holde  
any longer by homage auncestrell bycause of  
this discontinuance, but shall holde it nowe by  
the volgare and accustomed homage.

## C Of lyueryes.

Tenauant  
chiche of  
the kyng.

Pymere  
Sealyng.

**W** Hé one dyeth whiche helde of þ kyng  
by kyngis serwyce in cavite, þt is to  
say in chiche, his heires leyng with  
age, the kyng(as is before declared)shall have  
the warde and custodye as wel of the landes as  
of the body that is to wyt the mariage of he be  
unmarped. But yf the heire be of full age at  
tyme of the death of such auncestour, yet shal þ  
kyng by his prerogatyue roiall haue pymere  
sealeynge of all the landes tenementes and other  
hereditis

Cf lyueryes. Fo. xxxix.

hereditamentes wherof such his tenuant was sealed in his demene as of fee. And þt such an heire wylle entre into his landes when he cometh to his full age before he sue his lyuerpe & receyue seysyn by þt kyng, no free holde shall accrewe nor growe vnto hym but he shalbe desmed an intruder in the kynges possession. Yea and þt he dyce so seysyd in the meane tyme, his wyfe shall haue no dowre of suchte lades, wherfore it lehoueth in any wylle þt such heire as wel male as female commynge to full age before he or she entre into theyr lande to sue lyverp. The maner and forme wherof accordyng to the acte of parliament latly promulgated and set forth I intende byþself to receyve.

Suing of lyuery

Inrudeþ  
ot þt kyng  
ges; oþr  
lession.

C Howe heires ought to sue theyr lyueryes,  
inacted. xxiiij. Henr. viii.

Cap. xxi.

**N**o person or persons havyng  
landes or tenementes aboue þt  
þreþly value of v. li. shall haue  
any lyuery before irquilonion  
or cōfesse scūde before thisches-  
tor or other commissioneer by  
þt rytte of the kynges v. yere or  
diem clausis extermis or cōmlyspon directed out  
of the chauncery or other courtes haþyng au- Writte of  
erþowþrie to make such v. yeres or comissions die clau-  
sion whiche shall nat passe out of the same but by þt ex-  
warrant or byll assygned and subscribed by the mum,  
mayster of the wardes or lyuerye, the suruas-  
our, attorney and receyvour of the sayde courte  
or. iii. ii. or one of them to be dyrected and delþ-  
vered to the Chancleat of Englade, v. i. to any  
other

## Of lyneryes

other chanceler or offycer hauynge power to awarde suche wryttes And for the wrytinge & sealynge of the same shalbe payde the accusumed fees. But if the lades excede nat the sayde perly value of. vii. li. the they shal pay for þe seals of every such wryt or commysyon. vi. d. & for the wrytynges lyre pens, and nat aboue.

¶ And the inquysytions and offyces here bpon founde shalbe returned by the sayde exches-tours or commysyoners in to the same courte from whence the wrytte or commysyon was awaded, whiche done, the clerkes of the pety bagge shal receyue the same offycers and make a transcripte therof to the sayd mayster of the wardes & lyueryes. And thē the sayde mayster and the surueyours attorney and generall receyvour, or. iii. of them wherof the mayster or surueyours to be one, shall conuenants and indente with suche persones for theyz lyuerye of the castylles, manours, lordelshypes, landes tenementes and heredytamentes cōpypled or nat cōpypled in suche offyces, and shal make and set the rate and pycce for the same, and appoynt the dayes of payment therof by oblygacion to be take for the same to the kyng.

¶ And every byll for any specciall or generall lyuerye assygned by thandes of the sayde mayster, surueyours attorney, receyvoure or. iii. of thē, wherof þe mayster or surueyoure to be one, shalbe warrā: sufficient to the lord Chancellour other offycer auynge power to passe lyueryes vnder any of the kynges seals accop-dyngly. In whiche case the clerkes of the pety bagge, or other clerkes by whom the lyueryes be wrytten shal receyue aswe for the selues as for

## Cf lyueryes.

Fo. xl.

for other such fees as hath beene accustomed.

**C**Item every person may sue at his pleasure a generall lyuerye for any manours, landes, tenementes, rentes, reuections, remaynders, or other herdyntamente wherof the clere perely value shall nat excede .xx. li. Provided that an offyce be therof founde and a warrant syste obtained of the sayd mayster and others as is aforesayde.

**C**And where such generall lyuerye is sued, yf the landes excede the perely value of .v. li. they shall pay for the Deale .xx. s. .iiii. d. and all other fees accustomed as afterwarde shalbe declared. But yf they excede nat the perely value of .v. li. they shall pay but these fees folowyng, that is to say, for the seale of the lyuerye .xli. d. To the clerkes of the petty bagge for the wrytynge & the intoullynge .xx. d. For the respytte of the homage in the Hanapar eyght pens. To the lordre greate Chamberlayne twenty pens. To the maysters of the Roles .xx. d. And to the clerke of the lyueryes for the warrant and intoullynge of the lyuerye .x. d.

**C**Item no persone or persons shall paye in Respyts  
cheschequer or any other courtes for yf respecte  
of homage for any lades or heredytanete nat  
excedyng the perely value of .v. pounde, aboue  
eyght pens. And for the entryng therof and  
warrant of attorney aboue .iii. d.

**C**And the value of suche landes and heredytamente nat excedyng the perely value of .xx. li. shall be taken as it is lympyted in the offices founden therof except by theraminacyon and certificat of the sayde mayster surveyourre attorney, and receyvourre, or thys of the, it shall otherwyls

Generall  
lyuerye.

## Of lyuertes.

otherwyse appere and be declared in any of the kynges courtes.

Paine of  
forfeiture

Fees of  
an offyce.

**C** also no Escheatour shall lyte on lyte by vertue of his offyce for inquyrye of the tenure tylde or value of any landes or other heredementes holden of the kyng beyng of þerely value of. v. li. or aboue wchout the kynges wypete to hym directed vpon payne to forfayre v. li. for every tym he shall so do. Neither shall he take for the syndynge of any offyce or lates nat excedyng þerely value of. v. li. aboue. xv s. that is to saye. vi. s. viii. d. for hys owne fee. And. iii. s. iii. d for wypynge of the offyce.

**C** And for the charges of the iury. iii s. And for the offycess that shall receyue the offyces in any courte of record. ii. s. vpon payne that the eschetour doynge otherwyse shal for every tym forfayre. v. li. And vpon lyke payne the offycess of every courte of record where suche inquisitons shalbe retourned, beyng offred vnto the within one moneth nexte after þ syndyngh therof, shall receyue the. The one moyst of al which forfaytures to the kyng, and thother to þ parrye that wþll sue for the same. &c.

**C** And they whiche hereafter shalbe in case to sue lyuerte whose landes and tenementes excede nat the þerely value of. v. li may lawfully sue forth theyz generall lyuerte by warrat had from the sayd court as is aforesayd, although none other inquisition be therof had nor certesayed, payenge nevertheles þ fees before remeþed.

**C** Fynally every person shall sue forth his payent for his lyuerte within thre monethes nexte after the assygnement of his byll, or els hys byll assygned

Of lyueryes. Fo. xli.

assiges to be voyde and of none effecte.

**C**Here after ensueth the fees accus-  
med of the generall lyueryes.

**C**Fyrste to the clerkes of the petty bagge for  
the respecte of homage and fealte the wrytyngs  
and intollynge.xliii.s.ii.d. To the lordre greate  
Chamberlayne.xl.s. To the mayster of the  
Rolleis.iii.l. To the clerkes of the lyueryes for  
wrytryng of the Indentures & obligaciōs.xx.s.  
besyde counseil

**C**The fees of the specyall lyuerye accus-  
med to be payde b: thise folowyng that is to  
say for the Wygnet iii.li.r.s. for the priue caple  
xx.s. for the great caple.xlii.s.vii.d. To the  
clerkes of the pettie bagge.xl.s. To þ mayster  
of the lyueryes clerke.xl.s. for the enrolment of  
the knowledge of thendēture.xlii.s. To þ lordre  
great chāverlayne of Englād.r.xl.s. for þ wryte  
of allowaunce for the same lyuerye.r.s.vi.d.

**C**And note ye that sometyme in speciall cas-  
ses the fees be more and sometyme lesse as the  
case and matter dothe require.

**C**þyther to haue we briesly touched all kyndes  
of knyghthes seruyce, and thynges incident  
to the same. Nowe well we with lyke briesnes  
declare thoþher kides of seruyces whiche comon-  
ly be cōþled vnder the generall name of locage  
for every lande or tenementes eyther it is holde  
by knyghthes seruyce, or elles it is of locage ten-  
ure or at the leest way of the nature of locage  
tenure, whiche in effecte is all one.

Wherfore fyrste we shal defyne what Locage  
is in the proper signification, whiche done, ws  
shall peruse þ other kyndes of seruyce whiche  
be of the nature of Locage tenure.

f.i.

Locage

## Of socage.

What so  
cage te-  
nure is.



Socage is pperly where the te-  
naunt is bounde to come with  
his soke, þ is with his plome  
to eare and sowe percell of the  
demene landes of his Lorde,  
which servyce in ancyent tyme  
was very comon, but nowe by  
the mutuall consent bothe of the lord & of the  
tenant it is conuerted for the moste part into a  
perely rent. Howe be it the name of socage aby-  
deth styl. Wherfore now all that is nat knyghtes  
servyce is called by the name of socage.

¶ So that þt a man holdeth by fealtye ones  
lye or by fealtye and homage for all manner of  
servyce, it is but socage tenure for homage as  
lone maketh nat knyghtes servyce, yea þt a man  
holdeth by escuage certayne, as I haue sayde  
heretofore, he holdeth in effect but by socage.

¶ Nowe where a man holdeth his landes by  
socage & dyeth, his heire beyng within the age  
of. xiiiij. yeres. the lord shall nat haue þ wardie,  
but the nexte of kynde to the heire to whom the  
heroytage can nat dyscende shall haue the cytle  
and wardeshyppe as well of the lande as of the  
heire, till the heire come to the age of. xiiiij. y-  
res, and suche tutor or gardyne is called gar-  
den in socage, and shall rendre accomptes to þ  
heire of the issue and profytes that he hathe  
receyued of the landes duryng such tyme, ded-  
duyng his resonable costes and expences,  
so that he shall nat haue the wardeshyppe to his  
owne vse and profyte as the Lorde whiche is  
gardyne in cheualry hath. And in case þ garden  
in Socage dyeth before he hathe made his  
acompte the heire is without remedy bicaus

no

Garden  
in socage

Francke almoynē. Fo. xlvi.

no wryte of accoumpt lyerh agaynst the executours  
but for the kyngē onelye.

¶ Fynally ye shall understande that whan te-  
naunte in locage dyche, the Loarde of whō the  
lande is holde shall haue relyefe, that is to saye  
the value of the ret that is perly due unto hym  
of the tenancy, & spee the perly rent, so that in  
effete after the deathe of his tenante he shall  
haue of the b̄ p̄z. ii. rentes laine that for the re-  
lyfe he may distreynge forthwith, but for the ac-  
customed rent he can nat distayne till the vsus  
all daye of paymente be come.

Wenches

Desires

¶ Francke almoynē.



Enaunt in Francke almoynē that  
is to saye, in fre almyssē is where  
a Wylshop, Deane, or any other  
ecclesiastical glon holdeith of his  
Loarde in pure and perpetuall Al-  
mes and suche tenure began synt  
in olde tyme, after this maner. Whan a man  
was sealed in auncient tyme of certayne lades  
or tenementes in his demene as of fee, and of þ  
same tenementes enfeoffed an Abbot, and his  
couent or a Prior and his couent, or any oþ  
ther persone ecclesiastical as a Deane of a Lo-  
lege, Mayster of an hospitall, or suche lyke to  
haue and to holde the same landes to them and  
to theyþ successoures for euer in pure and per-  
petuall almyssē, or i francke almes, in thse two  
casles the tenementes shuld be holde in francke  
almoynē.

¶ By force of which tenure ther that holde in  
Francke almoynē after this sorte ve bounde of

The fift  
foudacyon  
of francke  
almoynē.

F. li. ryghts

## Francke almoynē.

ryght before god to make oisors & prayter to  
celebrat masses & to do other dyuyne scrupers  
for the soules of theyz gr̄ūters and lessers and  
for the soules of theyz heires whiche be dead &  
for þ prosperous estate of theyz heires that be  
now alvyue. And bycause of ryght they be bounde  
to thys deuyne seruyce, they be dyscharged by  
the lawe to do any other prophane or cozpoiall  
seruyce, as fealthe or luche other lyke.

**T**erist in  
francke  
almoyne  
it al do no  
fealte.

**B**ut neverthelasse if luche as holde theri res-  
tumentes in francke almoynē do omryt a leue  
vndone these deuyne seruyces wherunre they  
be bounde before god, the lordē can nat distreyn  
them, ne per compel them by any other meanes  
by the course of the common lawe, but the ones  
ly remedy is to complayne of them to theyz oþr  
dynary, who of ryght ought to compel such ec-  
clesiasticall personnes to do the deuyne seruyce  
due as aforesayde.

**T**enaunte  
by diuine  
seruyce.

**B**ut here ye shall note that yf a personne  
of a churche or any other ecclesiasticall per̄sonne  
holdeth of his Lordē by certayne dyuyne ser-  
uyce to be done, as to syng masse every kyday  
in the weke, or Placebo and dicige, or to finde  
a preste to syng masse or to distribute in almes

**D**iscreste  
for dyuy-  
ne seruyce.

**L**pens to a hundreth men at luche a day in all  
these cascs yf luche diuine seruyce be vndone,  
the lordē may very well distrayne, bycause the  
seruyce is put here in certayne.

**N**owe I sayde, that yf in olde tyme a man  
dyd infestis such ecclesiasticall plon after luche  
soȝt, e he shulde holde his landes in francke al-  
moynē, but at this daye it is otherwyse, for by  
the reason of a statute called. *Quis emptores  
terrarū, Mſte. viii. cap. i.* No man can aliene

Of burgage. Fo. xlvi.

ne graunte landes or tenementes in fee sympyle  
to holde of hym selfe, so that nowe ys a man bes-  
yng sealed of landes in fee sympyle grauneth  
the same by lycence to an ecclesiasticall persones  
in franke almoynre thys wordes francke als  
moygne be boynde, and the ecclesiasticall person  
shall holde them immediatly of the lordes of the  
feoffe by the same seruyces þ the feofee heilde  
so that no man can holde in franke almoynre,  
but by force of a graunt made before the layde  
statute, onely the kynges maiestye excepted, for  
he is out of the compasse of the statute.

**C** Fynally, ye shall note that where as a man  
holdeþ in franke almoynre, his lordes bounde  
by the lawe to acquite hym of all maner of ser-  
uice that any other lordes can haue or demaundes  
out of the layde landes.

**C** That ys he doth nat acquite hym but suffis  
him to be distreynd, þā he shal haue agaist his  
lordes a certayne wryte, called a wryt of meade  
þ shall recover agaynst hym his damages & cos-  
tis of his luy te.

**C** Of burgage

**A** Tenure in burgage, is where an assiet  
boroughe is, of which the kyng is lord  
and the whiche haue tenementes with  
in the same broughe holde the same of þ kyng  
payenge a certayne yearly rent, which tenure, in  
effecte is but socage tenure. Lykewylle it is.  
where as any other lordes spiritual or temporal  
is lordes of suche broughe.

Wryte  
meane.

A wryt of meade  
against kynge

Burgage  
tenure.

Gystome

**C** Here ye shall note that for the most parte  
þere ar aygent broughes and townes haue dy-  
uers customes & usages whiche other townes  
F. iii. haue

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Burrow  
Englishe

## Of burgage.

have nat. For some broughes haue a custome that the yongest sonne shal inherypte before the eldest, whiche custome is called comonly broughes Engylshe.

**Dower by custome.** ¶ Also in some broughes by the custome the woman shall haue for her dower all the landes and tenementes wherof her husbād was leased at any tyme durynge þe matrimony & coverture.

**Deuyle by custome of broughes.** ¶ Moreover in some broughes a man may bequeath and deuyle his landes or tenementes by testamente at the tyme of his deathe, and by force of suchē deuyle or legacy, he to whom the bequeste was made, after the deathe of þe testator whiche made suchē testament may be force of his auncyent custome entre into the landes so to him bequeathed or deuyled without any lypertye of seasone to hym made or further ceremonye of lawe.

¶ Howbeit howe and in what maner a man may at this daye deuyle his landes by his laste wyl and testament by force of a certayne newe statute, it shalbe hereafter declared.

¶ Dyuers other customes in Englande there be contrarye to the course of the common lawe whiche yf they be any thynge prouable & may stande with reason are good and effectual, nat withadynge they be agaynste the comon lawe. ¶ And note that no custome is allowable but suchē custome as hathe be vsed by tytle of prescription or tyme out of mynde.

**A** ¶ Of vyllenage or bounde seruice. ¶ Tenour in vyllenage is properly whā a villyayne, that is to saye, a bonde man holdeth of his lord, whose bonde man he

Of vyllenage. Fo. xlivi.

he is, certayne landes or tenementes, accordyngs to the custome of the Manoure, or otherwyle at the wyl of his Lordes and do to his Lorde vyllayne seruyce, as so to beare and to carye the dorze of his Lorde out of the Cytte or out of the lordes Manour, and it laye to vpon the demeane landes of his lord, or to do suche lyke seruyce and vyllayne seruyce. Howe be it free men in some places holde they tenementes and landes of they lordes by custome, by suche sorte of seruyce, and there tenure is called tenure in vyllynage, and yet they them selues be no vyllaynes ne of seruyce condicione but frenche. For þ lade holdē in vyllenage makethe nat þ te naunte a vyllayne, but contrarye wyls a vyllayne may make free lande to be vyllayne lande vnto his lord. Is þ a vyllayne purchasethe lande in fee sympie or in fee caple, the lord of the vylayne may entre into the lande so purchased by his bondman and put hym & his heires out for ever, & this done, the lord of he wyl may leaue the same lande to his vyllayne to holde of hym in vyllenage.

Dowe  
tosome  
holde in  
villenage  
and to no  
villayne

villain<sup>land</sup> na  
keth not a free  
fee man & villoine  
but econtra  
non,

And here ye shall understande, that seru-  
tute or vyllynage is the ordynaunce, nat of the  
lawe of nature but of that lawe, which is called  
Jus gentium, by whiche a man is made subiecte  
contrary to nature, vnto another mans domi-  
nion. For he that is a vyllayne or boundeman,  
cyther he is so by tytle of prescriptlon, that is  
to say, he and his auncestours haue bene vyl-  
layne tymē out of mynde, or els he is a vyl-  
layne by his owne confessyon in couete of re-  
corde, so that all vyllaynes cyther they be borne  
vyllaynes, or siles they be made so. They be  
F. llll. borne

Wullis.

Villaine by script

## Cf vyllenage.

borne vyllaynes whan theyr fathur beyng a  
bonde man hym selfe beggetteth them in lawfull  
wedlocke, eyther of a free woman or of a bonde  
woman so so that the fathur be bounde, the i-  
sue of hym lawefullly begotten muste nedes be  
bounde by the lawes of Englande, hauyng no  
regarde to the condicyon of the mother, whare  
as in the ryall lawe of the Romanes it is clene  
contrarye. For there partus sequitur veterem,  
that is to saye: the servitute or bondage of the  
mother makeith the chylde bounde and nat the  
bondage of the fathur. Howe be it the bastarde  
sonne of a bondeman shall nat be bounde & the  
reason is bycause a bastarde is. Nullius filius,  
in the lawe, that is to saye no mans sonne.

¶ They be made bondemen or vyllaynes two  
wayes, eyther by theyr owne proper acte, as  
whan a free ylone beyng of full age wyl come  
into a courte of recorde, and there confesse hym  
selfe bounde to another man.

¶ Oz ellcs by the lawes of Armes called  
Ius gentium: as whan a man is taken pysoner  
in warres, and is compelled to serue and be-  
come the thal and bondeman of hym that toke  
hym, the lawe calleth such person a vyllayne þ  
is to saye a slaye and thalli.

¶ And ye shall note that vyllaynes be proper-  
ly called in Latin serui, bycause that whan they  
be taken in warre, the capteynes be wonte nat to  
kyll them, but to sell them, and so to sauie theyr  
lyues, so that they be called serui a seruando, þ  
is to say of sauynge. They be also called Man-  
cipia, a manu capiendo, bycause that they be ta-  
ken by hande & power of theyr ennemyes.

¶ Howe as I sayde by the lawes of nature

we

## Bastarde

## Diffrin- ction of vyllaynes

or bonde seruice      Fo. xlvi.

we are all boorne free, but after that by the law  
of Gentilitie, seruitute or bondage dyd presse  
and inuade the woorlde, that ensued the bene-  
fite of manumission, Manumission is quasi  
de manudacio, that is to saye a gyuyng out of  
the hande or power. For so longe as a man  
is in bondage and seruytute, he is subiecte to þ  
hande and power of another and whan he is  
manumisched he is made free and deliuered fro  
the sayde power, so that a manumission is nos-  
thyng elles than an enfranchysement that is  
to saye, a wytyng testifypenge that the Lorde  
hath enfranchysed his vylayne and all his oþ  
spaynges and sequell.

Also yf the lord maketh to his bondeman  
an oblygacion of a certayne summe of money or  
graunteth to hym by his dede an, annuytete or  
perely pensyon, or leaseth to hym by dede lades  
or tenementes for termes of yeeres, any of these  
actes do imply an enfranchysement.

Lykewyse yf the Lorde makeþ a seol-  
lement to his vylayne, and makeþ vnto hym  
liuery of leslyn, this also is an infraunclesement  
and secret manumyssyon. Wþyekely to speake,  
wheresouer the Lorde compelleþ his vylayne  
by the course of the lawe to do that thyng that  
he myȝt otherwyse enforce hym to do oþ to  
suffre without the auctorite and compulson  
of the lawe, he doþ by implication enfranchise  
his vylayne, as yf the Lorde wyl bryng as-  
gayne his vylayne an action of det, an action  
of accompt, of couenant oþ of trespass, these s-  
suche lyke be in the eye of the lawe enfranchise  
mentes & manumissions, bycause þ the Lorde  
in all these cases may haue the effectes and pur-

Manus  
mission. q/s  
manudatio  
led manumis

What  
actes ma-  
keth mas-  
numissio  
n in lawe.

Cause of  
infraunc-  
lesement,

## Of vyllenage.

pose of his suite, that is to saye )the goodes etc,  
and correction of his bondmen without p  
cōpulsion of that lawe even by his owne proprie  
power and auctorite whiche he hath vpon his  
vyllayne. But if the Lorde dothe sue his vy  
llayne by an appeal of felonye, the vyllayne be  
yng lawefuly endytid of the same before thys  
is no tacyte manumyſyon or infranchisement,  
for the Lorde though he haue power to beare  
his vyllayne and to spoyle hym of his goodes,  
yet he can nat by the lawe of this realme put  
hym to deathe.

¶ Ye shall also vnderstande, that if a mans  
bondman purchased landes or acquerie and get  
vnto hym any other thyng the Lorde may forch  
with entre, and cease the same into his owne  
handes. Wherfore if the lord wyl brynging a  
gaigne his vyllayne a P̄ecipe or reddat, by  
which he demaundeth agaynst his vyllayne any  
landes or tenementes, this implieth an infran  
chisement, for almuch as he byndeth hym selfe  
to the p̄escripte and auctorite of þ law where  
as he myght vse his owne auctorite, by en  
trynge and seasyng the sayde landes.

**Ditatis** ¶ Fynally ye shall marke that some vyllaynes  
be cailed vyllaynes in grosse, and other some  
be cailed vyllaynes regardant. In grosse be  
in grosse, they of which the lorde is severally sealed, and  
nat by reason of any lordshyp or maner, but  
they be cailed regardant whiche do be longe to  
a manour, or whiche the Lorde is sealed, and  
Wylleyne the sayde vyllaynes haue bens regardant, that  
regardar is to saye, expectant and attendant tyme ouer  
of mynde, to the Lorde of the sayde Manour in  
boynge vnto hym such seruyces as to a vy  
layne

Of auncien demene. Fo. xlvi.  
leyne appertayne.

¶ Of auncien demene.

There is also a certayne kynde of tenure  
whiche is called auncien demene, & that  
tenauntes whiche holde by this seruice, <sup>to by auncien</sup>  
be free holders & holde by charter & nat by cos-<sup>holders are</sup>  
py of courte rolle, or by the verge after the cus-<sup>to holdent</sup>  
stome of þ manour at the wyl of the lord. And  
these tenuantes be such as holde of thole Ma-<sup>þe lord</sup>  
nours which were laynt Edwardes the kyng  
or which were in the hādes of kyng Wyllyam  
the conqueror, and these manours be called  
the auncien demelnes of the kyng or the auncien  
demelnes of the crowne of Englande. And to  
such tenuantes which holde of such manours be  
many and dyuers lybertes gouen and graunted  
by the lawe, as to be quyte of tolle & passage & <sup>Din. Clerkes</sup>  
suche lyke impostions whiche be demandid of <sup>valo to þe</sup>  
men for they goodes & catelis soide or bought <sup>auncien demond</sup>  
in fayres and marketes by the, also to be quyte  
and free of tares and tallage graunted by par-  
lyamēt, except that the kynges maiestie do tare  
auncien demene (as to hym onely appertayneth  
whan he thynketh good for greate and vrge)  
consydertions Tenauntes also of auncien de-  
meane ought to be quyte of payments to the ex-  
pences & charges of the knyghtes which came  
to the parliament, also they ought nat to be im-  
panelled nor put in turpes and Inquestes in the  
country out of they manour or leignozie of auncien  
demeane for the landes whiche they holde  
of suche manour, onles they haue other landes  
at the common law for which they ought to be  
charged. And yf suche tenuantes of any of the  
<sup>whichs</sup>

## Cfauncien demene.

which holde of the Manour of aunciente demene be distreined to do vnto them vnde other seruyces or customes then they or theyz auncientours haue vled to do, then may they haue a certyn

Wryt of payne wryt called Monstrauerit dyrected to þ monstra, lordes, comauinginge hym that he distreine them nat for to do other seruyces or customes then they haue ben accustomed to do.

¶ And for further knowlege hereof ye shall understande that in the Eschetour there is a boke called Domesday which boke was made in the tyme of the sayde saynt Edward. And all the landes whiche were in the lasslin and in the handes of þ sayd saynt Edward at þ tyme of the makynge of the sayde boke be auncien demene. But the landes whiche the were in other mens handes thonghe they be wrytten in þ sayde boke, be franke fee & no auncient demene.

¶ Fynally it is to be noted, that tenauntes of auncien demene shall nat be impled for theyz laydes out of the manour where of they so holde, and yf they be, they maye shewe the master and abate the wrytte. But yf they ones answer to the wrytte, and iudgement given, then the landes haue loste the nature & bensyce of auncien demene & are be come trache fee, that is to saye, pleadable at the comon lawe for euer moze. And this haue we spoken of þ diversys of tenures.

## C Of rentes

**F**or as muche as vpon every tenur there is comonly reserved one ree or other therfore I thyngke it good som what to treate of rentes. But ye must understande that ther be

he sundry sortes of rentes. There is one kynde  
of rente whiche is called rent seruyce. Another  
which is called rent charge, & the thyrde which  
is named in french rent secke, that is to saye in  
Latin redditus siccus, a dry rent. Nowe rente  
seruyce is so called bycause it is knypte to the ten-  
ture and is as it were a seruyce, whereby a man  
holderh his landes or tenementes, or at least wape  
when þ rentes unseverably coupled and knypte  
with the seruyce, as for an example, where the  
tenaunt holderh his lande of the kyng or of any  
other lord, by fealte and by certayne rent or by  
homage, fealtie and certayne rent, or by any oþ  
ther sortes of seruyces & by certayne rent, this  
rent is called rent seruice. And here ye shall note  
that yf this rent seruyce be at any tyme when it  
ought to be payde, behynde and vnpayde, the  
lordē of whom the lande or tenement is so hol-  
den, whether it be in fee symply, fee tayle for  
terme of lyfe, for yeris or at wyl, way of com-  
mon ryght entre and dystryayne for the rente,  
though there be no menyon at all, ne clause of  
distresse put in the dede or lease. I layde before  
that the nature of this rent seruyce is to be cou-  
pled and knypte to the tenure, for where no ten-  
ture is there can be no rent seruyce. And theres vñl / or a iij.  
for  
foxe, yf at this daye I be seuled of landes in fee  
symply, and make a dede of fessiments of the  
same to another in fee symply, reseruyng by þ  
same dede a rent, this can be called no rent ser-  
uyce, bycause there can be nowe no tenure bes-  
twene the lessour and the fesse. Otherwyls  
it is of fessimentes in fee symply, made before þ  
statute of Westmensemster the thyrde Cap. i. cal-  
led Quia emptiores terrarū. for before þ mas-  
dyngs

Distress  
of common  
ryght. for  
entre and  
dystryayne

## Of rentes.

Bynge of that statute, yf a man had made a feofement in fee symply, reseruynge to hym a certayne rent, yet though it had bene without dede here had ben begonne & creased a newe tenure betwene the lessour and the lessee, and the lessor hadde haue holden of the lessour, who by vertue of the same myght of comon ryght haue distayned for such rent. But at this day by force of the layde acte, there can be no such holdynge or tenure creased or begonne, and consequent lyly no rent seruice can be at this daye reserved vpon any gyfte in fee symply, except it be in the bynges case, who bynge chiche lorde of al ever myght and may gyue lades to be holden of him. Thus ye se, that at this day, no subiecte can reseve any rente seruice vnto hym oules the reuercion of the landes or tenementes that he shall graunt, be stylle in hym as where he grauntevthe them in fee taylor, or makeith but a lease for termes of lyke or toz certayne yeris or elles at wylle. For in all these cases the reuercion of the fee symply remayneth stylle in hym, and therfore yf here be any rent reserved, it is to be called a ree seruice, and is of comon ryght distaynable though there be no cause of distresse in the dede of feoffement or lease.

¶ But here ye wyll aske me, whan in the case before remembred, a man at this daye gyueth cleane awaye the lande or tenemente fro hym selfe in fee symply, so that there is no maner of reuercion of the same remaynyng in hym at all and yet neuertheles reserveth vnto hym by his dede a certayne rent what maner rent shal this be called? I answeare, yf there be in th dede intended any clause of distresse, that is, that yt p-

tenet

Ne rent seruice  
releved vpp  
any gift in  
fee symply

Of rentes      Fol, xliiit.

rente be behynde bnpayed, it shalbe lawfull for  
the fector to entre and to distreyne, it is called  
a rent charge, forasmuche as the lande is char-  
ged therwith, but howevr of comon ryght no,  
but only by vertue and force of the wypinge.

Rente  
charge,

¶ But on the other syde, ys there be no suche  
clause of distresse put in the indenture, than  
the rent so reserved shalbe called a rente leche.

Rete leche,

¶ Lykewylse, ys a man that is sealed of certe-  
tayne landes, wyl graunt eþher by indenture,  
or by his dede pollie that is to saye syngle & nac  
Indented, a veily rent out of the same landes to  
another wherether it be in fee syngle, fee tayle,  
for terme of life, for yeris or at wyl, with clause  
of distresse, than this rent is called a rett charge  
and he to whom such rent is graunted may for  
defaute of payment therof, entre and distrayne  
But contrarelye ys the graunt be made without  
any such clause of distresse, it is called rett lecke  
that is to saye a dyre rente, bycause he can nat  
come to it in case it be denied, by waye of dys-  
trese in so muche that ys he were never seyld  
of it, he is by the course of the comon law with  
our remedys. Otherwylse it is of a rent charge  
for here he to whom the graunt is made, when  
the rent is behynde may chose whether he wyl Answere  
sue a wypye of annuite agaynste the grantinour  
or distrayne for the rent behynde, & certayn þ  
distresse iþ ryng he be payed accordyngly. But  
he can nat haue boþe remedys togyþer but  
miste take hym to the one, for ys he ones recos-  
ter by a wypye of annuite, then is the lyde dis-  
charged. And ys he sue nat his wypye of ans-  
uite, but distrayne for the arrerages, and the Replevin,  
benouȝt such a replevin, where vpon the other  
auoweth

## Of rentes.

**C**lopell. knoweth the takyng of the destresse in courte  
of record: then is the lade charged and the per-  
son of the grauntoure discharged of the action  
of annuite.

**P**rouiso. Ye shall also vnderstande, þ yf a man wyll  
that another shall haue a rent charge comynge  
out of his lande, and yet wyll nat that this per-  
son shall be any meanes charged by wryt of an  
nustrie, he may than haue such clause in the ende  
of his dede. Prouiso q̄ presens scriptum, nec  
quicq̄ in eo contentum villo pocto se extendat  
ad ouerandā personam meam per bzure seu ac-  
cionem de annuitate, sed tantummodo valcat  
ad onerandum, terras, fūdos et tenementa mea  
de annus redditu predicto. If this or such lyke  
clause be added, then the lande is charged and  
the person of the grauntour is dyscharged.

**C**Also yf a man wyll make a dede of graunte  
in this wyse, that yf Joh̄n at Style be nat yere-  
ly payde at the feast of Chrystmas for terme of  
his lyfe. xx. myllynges sterlyng, þ then it shalbe  
lawful for þ layde Joh̄n at Style to distraigne  
for it in the Manoure of Dale, thys is a good  
rente charge, because the Manour is charged  
with the rent by way of distresse, and yet neuer  
theles in this case the person of hym that made  
such dede is discharged of any actiō of annuite  
forasmuch as he graunted nat by his dede any  
annuite to the layde Joh̄n at Style but onely  
graunted, þ he myght distraigne for such perly ret.  
**C**Further moxe ye shall note, that yf a man  
hath a rent charge to hym and to his heyses co-  
mynge out of certayne landes, and dothe pur-  
chase any parcell of this lande to hym and to  
his heyses, in this case the hole rente charge is  
quenched

quenched and gone, and the annuite also, the ~~Exch~~  
cause is this, that a rent charge can nat be in guylmet,  
suche case appoynted. Otherwyle it is of a  
rent seruyce, as for exmaple of one which hath  
a rent seruyce, of. xx. d. by yere dothe purchase  
parcell of the lande oure of whiche this yere  
rent of. xx. d. is commynge this shall nat extyn-  
guylsh nor dwowne the hole rent, but for that ge-

till onely. For rent seruyce in suche case maye  
verye well be appoynted and rased accor-  
dynge to the value of the lande. Yet there be  
sortes of rentes seruyces whiche in no wyle ca  
be appoynted. As where a tenuant holdeþ  
Rente  
seruyce  
ca nat be  
appoynted.

his lande of his lord þ by the seruyce to rende  
to his lord þ verely at suche a feaste, an horse, a  
ryng of golde, a redde rose, a gylouer, or suche  
lyke, þ in this case þ lord þ doth purchase par-  
cell of the lande thus of him holden, this ser-  
uyce is gone, bycause such seruyce, ca nat be se-  
uered nor appoynted. All escuage is a seruy-  
ce that may very wel be appoynted accordyng  
to the afferaunce and rate of the lande.

¶ But wheres any lande is holden by homage  
and fealtie, þ the lord þ purchaseth parcell of  
the lande, yet he shall haue his homage and fe-  
altie styl of his tenuant.

¶ Ye shall marke also, that þ a man maketh  
a lease of landes to another for terme of lyfe,  
rescruyng to hym certayne rent þ in this case  
he graunteþ that rente to Johh at Hyle sa-  
wyng to hym selfe the reuercyon of the layds  
lande, this rent is but rent lecke, bycause Johh  
at Hyle that hath the rents, hathe nothyng in  
reuercyon of the lande.

But þ he graunteþ the reuercyon of the lande.

## Sixt Of rentes.

Returny  
ment.

to Johs or Roke for the terme of lyfe and the  
tenaunte atturneh accordynglye, then hathe  
Johs or Roke þ rent as rānt seruyce bycause  
he hathe the reuersyon for termie of lyfe.

Rente is  
incident in  
a rauers  
yon.

**C**lykewylle it is, þf a man gyueith landes or  
tenementis in tyme, reseruyng to hym and to  
his heires certayne rent, or makerthe a lease of  
the lande for termie of lyfe, reseruyng certayne  
rente þf he grauntereth the reuersyon to another  
and the tenant atturneh accordyngly, þf hole  
rent and seruyce shall passe by this wodre res-  
uersyon, bycause the rent and seruyce in such  
case be incident to the reuersyon & do passe by  
the graunt of þ reuersyon. But þf he had graun-  
ted þ rent onely, the reuersyon had nat passed.

## C What remedy a man hathe to recouer his rent when it is behynde.



**L**shewed you before, that for  
a rent seruyce þf it be behynde  
þe may distraigne in þ grounde  
euyn of comon ryght thought  
ther be no such clause of dys-  
tresse menþored in the dede  
of fforment, graunte or lease  
ðlo for a ret charge þe may distraigne or byng  
your wyppe of annuitie at your choyse & electi-  
on, as before is declared. But of a rent leike  
þf ye were never leyfed of it noȝ of any parcell  
therof, þf be without remedye by course of the  
comon lawe, for þe can nat distraigne for it, noȝ  
þt byrge your wyppe of annuitie but if ye were  
overs leyfed of it noȝ of parcell therof and it is  
estlones behynde, the your remedy halbe this.  
Ye

## Of rentes.

Fo. i.

Ye muste go eyther by your selfe or by your des-  
byte to the lande or tenement out of whiche the  
rente is commynge and there demaunde the arre-  
gages of the rente, whiche ys the tenuant denye  
to pay, this denyall is disseisin of the rent. Also Disseisins  
ys the tenuant be nat then ready to paye it, thin of rent  
counteruayleth a denyall whiche is a disseisig.  
Moxtouer ys neyther the tenuante nor none o-  
ther man be remaynyng upon the grounde to  
pay the rente, when ye demaunde the arreaga-  
ges, this also is a denyall in the lawe, and is  
in very dede a disseisin. And of these disseisins  
nes ye may haue an assise of mouell disseisyn a-  
gainst the tenuant, and shall recouer seisin of þ  
rente and the arreages and your damages and  
costes of your wryte and of your plee. And ys  
after such recouerye and execution had, the ret  
be agayne at another tyme denied you, then ye  
maye haue redisseisin and shall recouer your  
double damages. &c.

Disseisins  
of rent  
secke,

Assise.

Tredis-  
sels dou-  
ble dama-  
ges,

**C** If halbe therfore wyldeome for a mā whē  
a rent is graunted by any personne unto hym,  
to take of the tenuante of the lande a penye or  
an halpenye in name of seisin of the rente, and  
thē ys at the next day of payment the rent be de-  
nyed hi, he may haue an. Assise of mouell disseisil

The cau-  
ces of dis-  
seisin of  
rente ser-  
wycs.

**C** And ye shall note, that there be thre causes  
of disseisin of rent servyce, that is to wete re-  
scouse, replwyn, and incloser Rescouse is whē  
the lordē vpon the lande holden of hym distray-  
neth for his rente behynde, and the dystresse be-  
releved from hym, or ys the lordē come vpon þ  
lande and wylly distrayne, and the tenuante or  
any other man for hym wyl nat suffre hym,  
this is called Rescouse.

Rescous-

G. ii. Replewyn

### Cf rentes.

Replevin

Encloser

Four  
causes of  
disselin  
of rente  
charge.

And two  
of cente  
secke.

One o-  
ther cau-  
se of dis-  
selin

Vete of  
plamete.  
Excus-  
tours.

**C** Replevyn is, when the lord hath distreyned and repleuin is made of the distres by wyppe or by playnt. Encloser is where landes or tenementes be so inclosed that þ lordes can nat come win the landes or tenementes for to distrapne. And the chiefe cause why liche thynges so made be disselin to the lordis for alsmuche as the lordis by this wyppe disturbed of the meane and remedy wherby he ought to come and haue his rent, that is to wite, by distres.

**G** And there be fourre causes of disselin of a rent charge, that is to wite, rescous, repleuin encloser, and denyer. For denyng or dental is as wel a disselin of a rett charge as it is of rett seck.

**G** Fynally ye shall vnderstante, that there be two causes of disselin of a rent seck, that is denyall and encloser.

**C** And it remeth that there is yet another cause of disselin of all the thre rentes aforesayde, that is to wite this, when the lord commeth to the lande holden of hym, or wher he þ hath a rent charge or a rent secke cometh to the lande to distrayne for the rent behynde, and þ tenant heysteinge this, encontreth hym, and soþtaketh hym the way with force and armes & mazaceth him in liche soore as he dare nat come to the grounde for to distrayne for his rent behynde for feare of dethe or mutilacyon of hys membres: this is a disselin bycause the partie is disturbed of his meane and lawefull remedy wherby he ought to come to his rent.

**G** Fynally ye shall obserue and marke, that by an acie of parliament made in the xxiiij. yere of our leuerayn kyng Henry the eyght, it is lawfully for the exectours and administras-

tours

## Of rentes.

Fo. xli.

tours of tenates i fee simple, tenacy i fee taille tenates for time of life, or rent seruice, rent charge, rent seckes, and of fee fermes, for arrearages of such rents as were due unto them testatours i theys lyues, eyther to distrayne for the same or at theys election to bryng an action of det, except in such lordshypes in Males or in the marches therof, where as the tenuantes haue vsed tympe out of mynde to paye unto every lord at his fyrt entrye into the lordshyp any summe of money for the redempcion of all maner dutyes and penalties incurred at any time before theys lordes entrye.

**C** Also by force of the sayd acte the husband which was seised in the ryght of his wylle may after the death of his wylle eyther distrayne or bryng an action of det for þ arrearages of such rentes as were due and vnpayde in her lyfe.

**C** Lykewylse it is of hym that hath a rente for terme of another mans lyfe, yf he for terme of whose lyfe he hath the rent dyeth, yet by vertu of the sayde acte he or his executors & administratours may eyther distrayne or bryng an action of det for þ arrearages due before the deeth of him for terme of whose lyfe he had the rent.

**C** Howe auowyses ought to be made  
of rentes and seruice, inacted

An. xxl. Henrici. viii.

**W** Hens any landes be holden of any person by rentes, customes, or seruices, of the lordis distrayne vpon the same landes for any such rents, customes, and seruices, and repleyn therof be sued, the lordis

G. iii.

moye

Distres.  
or actions  
of dette.

### Of rentes.

maye auowe or his baylyke or seruaunt maye make conysaunce or iustifie the takyng vpō the same landes, as within his fee and seignoynce, alledgynge in the sayde auowrype conysaunce or iustification the same landes to be holden of hym without takyng any person certayne to be tenant of the same, and without makyng any auowrype, iustification, or conysaunce vpō any person certayne. And lykewylle vpon euerie wryt sued of the seconde delyuerance. And they that make any liche auowrype, iustification or conysaunce, yf the same auowrype, conysaunce or iustification be founde for the, or if plaintife be nonsute or otherwyse barred, then they shall recover theyr hole damages and costes.

**C** Also the sayde plaintifffes & defendauntes shal haue lyke plees and lyke ayde prayers( plees of disclaimer onely excepte) as they myght haue had before the makyng of this acte.

Also liche persons as by the comon lawe maye soyne to the plaintife or defendant in the sayd wrytis of Repleggarre or seconde delyuerance as well wout pcesse as by pcesse, shal frōhēlforth also in this case ioyne vnto them as well with out processe as by proces, and haue lyke places and lyke anauntages in all thynges(disclaimer onely accept) as they myght haue by the comon lawe before this acte.

**C** In acte for the assurance of fermours, made. An. xxiiij. Henrici. viii.

**A** leases hereafter to be made of any landes or other hereditamentes by wrytige or dented vnder seale for terme of yeres or for terme of lyfe by any persons beyng of the

## Cf assuraunce for.

Fo. lli.

the age of .xxi. yeeres hauyng any state of inue  
ritanee eyther in fee simple or in fee tayle in  
theyr owne ryght or in the ryght of theyr churc  
ches or wypes, or ioynly. Whiche wypes shall  
be good and effectuall agayn the lessours theyr  
wypes heires and successours accordyng to  
the estate copyuled in suche indenture of lease.

¶ Provided that this acte shall neyther ex  
cede to any leases to be made of any landes he  
reditamentes beyng in the handes of any fees  
mour by vertue of any olde lease onles þ lams  
olde lease cryped surcleyed or ended within Hurren-  
der of the  
one yere after the makynge of the newe lease,  
nor yet to any graunge to be made of the reuersi  
on of any landes or hereditamentes; nor to any  
lease of such landes or hereditamentes as haue  
nat commonlye bene leiten to ferme by þ space  
of .xx. yeres next before suche lease therof made  
nor to any lease to be made without impeache  
ment of waste, nor to any lease to be made ab  
bove the nombre of .xii. yeeres, or the lyues as þ  
most fro the day of makynge therof. And that  
upon such lease be reserved perclys duryng the  
same, due and payable to the lessours theyr  
heires and successours to whom þ lades shulde  
haue come after þ deathe of the lessours, & to  
whom the reuersyon therof shall payne accor  
dynge to theyr estates and interestes, so muche  
perclys rent or more, as hath ben accustomablye  
yeldyng for the same, within .xx. yeeres next bes  
fore such leases, and þ be to whom the reuersion  
therof shall pertayne after the deathe of suche  
lessours or theyr heires: shall haue suche lyke  
remedy and aduauncage agaynst the fermours  
therof theyr executors and assygnes, at the  
G.lvi. lessours

### Of fermours.

lesour hym selfe shulde haue had.

**T**herwise  
shalbe p-  
tie to the  
lease.

**C**oncluded also that þ wyfe be made partye to euery such lease as shalbe made by her husbande of any landes beyng the inheritaunce of the wyfe, and that every such lease be made by indenture in the name of the husbande and his wyfe, and shz to seale there vnto. And that the rent be reversed to the husbande & wyfe & to þ heires of the wyfe accordynge to her state of inheritance therein. And that the husbande shal in no wyse alien discharge graunt gyue away þ same rente serued nor any parte therof longer than duryng the couerture, without it be by fyne leuyed by þ sayde husbande and wyfe.

**C**oncluded furthermore that this acte extende nat to gyue lybertie or powet to any persons to take any mo fermes leases or takynge of any landes or other heredytamentes, then they myght haue done before the makyng of this acte, nor yet extende to gyue any lyberty to any persone or vycare of any churche or vycarage to make any lease or graunte of any theys messuages landes, tenementes, rythes profytes, or heredytamentes belongynge to thyse churches or vycarages otherwyse then they myght haue done before the makyng hereof.

Anno. xxii. Henrici. viii.

**W**hat  
graunt by  
a corpo-  
ration is  
good.

**C**It is furthermore enacted that the graunte lease, gyste or election of the gouernor or ruler of any hospitall, college, deaney or other corporacion with thassent of the more parte of suche of the same as haue voyce shertento shall be good and effectuall, any rule or statute made by any foundour to the contrary notwithstanding.

Of fermours.

Fo. liii.

**C** Of falsoyng of recoveryes by fermours  
inacted. Anno. xxi. Henrici. viii.

**A** L fermours or lesses for terme of yeris  
may falsoyng for theyr termes onely, re-  
coueryes had by fayned tytles as well  
as a tenuant of freholde. And the same, fers-  
mours theyr executors and assyngnes shall en-  
toye theyr layd fermes accordyng to theyr leas-  
ses & agayne suche recoveryes even as ys none  
such had be suffered. In whiche case neverthe-  
les the recoverer, after such recovery had, shall  
haue lyke remedy agaynst þ fermours by auows  
rye, or action of det for rentes and seruyces re-  
scrued vpon the same lessees beyng due afore  
the same recoveryes, and lyke actions for wast  
done after the same recoveryes, as the lessours  
myght haue had ys no suche recoverye had be  
had. Furthermore no statut estaple, statut mar-  
chaunt, nor execution by Glegit shalbe avoide  
by any suche fayned recovery, but lyke remedy  
shall be had to auoyde and falsoyng the sayde re-  
coverye, as is ordyned for þ fermour or less  
for terme of yeris.

Duolwrye  
or action  
of dette.

**C** Of tythes and howe they shalbe  
recovered, inacted. An. xxviii.

Henrici. viii.

**A** Persons shall tenely paye theyr  
tythes and offrynges accordyng to  
the lawefull customes & usages  
of parishes & places where such  
tythes or dutyes be due. And ys  
they do wylfullly with holde any  
parcell of them: the partye whether he by eccl  
G. b. clesiastis



## Of tythes.

ecclesiastical or lye that shulde haue them, maye conuent suche persons before the ordinarye his comysary or other cōpetent minister or Judge of the place where suche wronge shalbe done accordinge to the ecclesiastical lawes. And in euerye suche cause of luyte the same ordinarye or Judge bauynge the partyes or therz procurours before hym, shall procede to þ determination therof ordinarye or summarie accordyng to the course of the layde lawes, & thens vpon shall gyue sentence accordyng.

And in case any of the partyes for any matter concernyng that lute, do appye from the sentence and dysfistlyue iudgemente of the layde Judge, then the same Judge forthwith vpon appellation made, shall adinge to the other partie the reasonable costes of his luyte, and shall compell the same partie appellat to pay þ same by compulsory proesse censure of the layde lawes takinge suerte of the other partie to whom suche costes shalbe adiuged to resloze the same to the appellant, yf afterwarde, the pryncipall cause of that lute of appeale shalbe adiuged agaynst hym. And so every iudge ecclesiastical shall adiuge costes to the other partie vpon euerie appyeale to be made in any lute or cause of subtraction or detencion of any tythes or offertyringe or in any other lute to be made concernyng the dutye of suche tythes or offerynges. And yf any persons after suche sentence gyuen agaynst them shall obstinately refuse to paye they tythes or dutyes or suche somes of money

Justices  
of peace. so adiuged wherin they be condemned, then two Justices of the peace of the same Wyre, wherof one to be of the quorum, shall vpon certyfys

certificat or complaynte to them made in wyp-  
syng by the iudge that gaue the sentence, cause  
them to be attache and committed to the next  
Jaile, there to remayne without bayle or mayn-  
prise, tyll they shal haue founde sufficient sus-  
pects to be bounde by recognysance or other  
wyse before the same justices to the kynges vse  
for the performaunce of the sayde iudgemente.

¶ Provided, that no persone shalbe sued or  
otherwyse compelled to pay any tythes for any  
landes tenementes or hereditamentes whiche  
by the lawes of this realme are dyscharged or  
nat chargeable vñ p̄ paymēt of any such tithes.

¶ Also this acte shall in no wyse bynde the in-  
habytantes of Lōdon and subarbes of þ same  
to pay theiȝ tythes and offerynges within the  
same cytre and subarbes otherwyse then they  
shulde haue done before,

¶ Furthermore if any havinge an inheritance  
freholde terme or intrest in any personage byca-  
rage porcion pension tythes oblations or other  
ecclesiasticall proyte made or to be made tem-  
porall or admitted to be in temporal hādes by the  
lawes or statutes of this realme, be disseised or  
otherwyse put frome the same by any other per-  
son claymyng to haue intrest therin; the perso-  
ne so disseised or wrongfully put frome his sayde  
ryght or possession his heires, wyfe, and other  
to whom such wronge shalbe done, maye haue  
remedy in the kynges temporall courtes, as the  
case shal requyre for þ recovery therof by wyp-  
tes original of þer. & red dat, ass. of nouel dis-  
celion, Mordanc. Quod ei deforiat, myttes  
of dower, or other myttes originall to be graū-  
ed in the chauncery of every such personage  
þycorage

## Of tythes.

cllesiasticall or lare that shalde have them, maye  
conuent suche persons before the ordinarye his  
comissary or other cōpetent ministrē or Judge  
of the place where suche wronge shalbe done ac  
cordynge to the ecclesiastical lawes. And in e  
uerpe suche cause of luyte the same ordinarye or  
judge bauynge the partyes or therz procuras  
tors before hym shall procede to þ determination  
therof cōdinarylye or summarylye accord  
dynge to the course of the layde lawes, & ther  
vpon shall gyue sentence accordynge.

And in case any of the partyes for any matter  
concernyng that lute, do appelle from the sent  
ence and dyffinstrye iudgemente of the layde  
judge, then the same judge forthwith vpon ap  
pellacion made, shall adiuge to the other partie  
the reasonable costes of his luyte, and shall cos  
pell the same partie appellat to pay þ same by  
compulsary proesse censure of the layde lawes

**Hurrys** takynge luyte of the other partie to whom  
suche costes shalbe adiuged to reslope the same  
to the appellant, þ afterwarde, the pryncipall  
cause of that lute of appelle shalbe adiuged  
agaynst hym. And so every iudge ecclesiastical  
shall adiuge costes to the other partie vpon e  
very appelle to be made in any lute or cause of  
subtraction or detencion of any tythes or offes  
rynge or in any other lute to be made concers  
nyng the dutye of suche tythes or offerynges.  
And þf any persons after suche sentence gyuen  
agaynst them shall obstinately refuse to paye  
theyz tythes or dutyes or suche somes of money  
**Justices** so adiuged wherin they be condemned, then  
of peace. two Justices of the peace of the same Wyre,  
wherof one to be of the quorum, shall vpon  
certayne

Of tythes.

Fo. xlivii.

certificat or complaynte to them made in wrytynge by the iudge that gaue the sentence, cause them to be attached and committed to the next Gaile, there to remayne without bayle or mayn pypyle, till they shall haue founde sufficient sureties to be bounde by recognysance or other wyse before the same justices to the kynges use for the performaunce of the sayde iudgemente.

¶ Provided, that no persone shalbe sued or otherwyse compelled to pay any tythes for any landes tenementes or hereditamentes whiche by the lawes of this realme are dyscharged or nat chargeable vñ þ payment of any such tithes.  
¶ Also this acte shall in no wyse bynde the inhabitants of London and subarbes of þ same to pay therȝ tythes and offerynges within the same cyte and subarbes otherwyse then they shulde haue done before,

¶ Furthermoze if any havinge an inheritance freeholde terme or intrest in any personage bycage poxion pension tythes oblations or other ecclesiasticall provydes made or to be made temporal or admitted to be in temporal hādes by the lawes or statutes of this realme, be disseised or otherwyse put from the same by any other person claymyng to haue intrest therin; the persoñ so disseised or wrongfully put frome his sayd tyght or possession his heires, wyke, and other to whom such wronge shalbe done, maye haue remedy in the kynges temporal courtes, as the case shal require for þ recovery therof by wryttes original of þre. & reddat, ass. of nouel disleison, Mordanc. Quod ei deforciat, wryttes of dower, or other wryttes originall to be graunted in the chauncery of every suche personage bycage

## Of mortuaryes.

hireage, portion, pention, or other profytte etc  
clericall accordyng to the nature of the lute  
therof. And wrytes of couenant and other wrytes  
for fynes to be leuyed and al other assurances to  
be made of any such personage or profytte eccle-  
siall shalbe deuyled and graunted there,  
lyke as hath ben vsed for fynes to be leuyed &  
assurance to be had of lades or other heredita-  
mentes, and all iugementes gyuen vpon such  
wryties originall graunted for any the p[ro]misses  
and all fynes leuyed and knolledg'd in any of the  
kynges sayd courtes therof, shalbe of lyke force  
as iugement gyuen and fynes leuyed of landes  
tenementes and heredytamentes.

## C Of mortuaryes, enacted.

An. xxi. H. viii.

**N**O person spirituall theyr fermours nor  
baylyffes shal cal any person before any  
iudge spirituall for the recovery of any  
Mortuarye more then is hereafter mentioned  
vpon payne to forsayte for every fynde so much  
in value as they shall take aboue the sume here  
lymyted & ouer £ .x. s. to the partie grieved, for  
whiche he shall haue an action of det by wrytle  
byll or information, wherin no wager of lawe  
esjoyne nor p[re]cution shalbe alowed. Fyfte no  
mortuarye shalbe taken of anye whiche at his  
death hath in mouable goodes vnder the value  
of .x. marke. Also no Mortuarye shall be tas-  
ken but onely where Mortuaryes haue bene  
pled to be payde, and there after the forme her-  
aftir mencyoned. Nor in no mo places but one  
that is to wyte, there where is most abydynges  
is and there but one. Nor no persone shall take

for

Of mortuaries. Fo. lv.

for a Mortuare of any persons beyng at hys  
death at the value of .x. markes aboue hys dets  
hes payde & vnder .xxx. li. aboue .iii. s. .iii. d. And  
of the value of .xxx. li. and vnder .xl. nat aboue.  
.vi. s. .viii. d. And of the value of .xl. oʒ aboue to  
any summe what so euer it be, nat aboue .x. s.  
Also no Mortuare shall be asked nor payde for  
any womā couert bārd, or chylde oʒ any glō nat  
kepyng house, oʒ for any wayfarynge mā but  
the Mortuaries of liche wayfarynge men be  
answerable in that place where they had theyz  
most dwellynge at the tyme of theyz death.

¶ Neuer heles such spirituall glōn may take  
any thynge whiche shall be disposed oʒ bequea-  
thed to hym oʒ to the hygh aulter of þ churche.  
Also no thynge shall be taken for Mortuaries in  
Wales nor the marches of þ same, nor in Læ-  
lys oʒ Berwyke oʒ the marches of the same,  
but onely in liche places of the same wheres  
Mortuaries haue bene accustomed to be payde  
and there but onely after the fo;mr above spes-  
cified. Provided that þ Bishops of Bangor,  
Lādake, Laynt Haunes and Laynt Asse and that  
chedekē of Chester may take liche mortuaries  
of the preestes within theyz dioclices and tressa-  
dictions, as heretofore haue ben accustomed.  
Provided also, that in liche places where mor-  
tuaries haue ben accustomed to be taken of  
lesse value none shalbe compelled to paye any  
other Mortuare or more for any Mortuare  
then hath bene accustomed, nor no Mortuare  
there shalbe demaunded of any person exempt  
by this acte vpon payne above hymyred.

¶ Of discontinuance.

## Of discōtynuance.



**T**is called a discontinuance by the lawes of Englāde, whe  
he that hathe the possession of  
landes or tenementes for the  
tyme presente and yet hat has  
ynge the fee syngle in hym  
selfe nor in his owne ryghte  
only, maketh an alpenacyon of the same to  
another, by reason wherof, he that shulde have  
them after hym and which then hath ryght un  
to them can nat entre, but it is dryuen to his re  
medy by way of actio, in such wyle that þ layd  
landes be nat utterly shifteid & gone from such  
person or persons as haue ryght unto them,  
but be aloneily discontinued for a tyme, till the  
person whiche after the death of such discontin  
uer haethe ryghte unto thē, do reconquere and  
drynge them home agayne not by entry but by  
lute and way of action. As for example, Yf te  
naunt in tayle of certayne lades doth infecte an  
other in the same, in fee syngle or fee tayle and  
hath issue and dyeth, his issue can nat entre in  
to the landes, though he hath tayle and ryght  
unto them, but is put to his action, whiche is  
called a forme done in the discēdze. And yf such  
tenaunt in tayle whiche maketh suche a flosse  
ment, hath no issue at tyme of his death, it is  
yet neuertheles a discontinuance to hym whiche  
is neyther in the reuersyon or in the remayndre  
so that neither the one nor the other can entre, but  
be dryuen theyr action, be in the reueryone to  
his forme done in the reuertir and he in the res  
mayndre to his forme done in the remayndre.  
**I**n lyke mauer yf a bishop doth aliene la  
des whiche he perteid of his bishoppich, & dyeth

**Formdo  
ne in the  
dicendre.**

**Formdo  
ne in the  
reuerter  
oxremain  
dr.**

**I**n lyke mauer yf a bishop doth aliene la  
des whiche he perteid of his bishoppich, & dyeth

## Of discontynuance. Fo. lvi.

This is a discontynuance to his successour soz. Enter so  
asmuche as he can nat entre, but is dyng to his ne assensu  
wppr of entre sine assensu capituli.

capituli.

**C** Itemblabip, yf a Deane be sole leised of lādes as in the ryght of his Deany and maketh  
suche an alienation, this is a discontinuance to Ingressu  
his successour. Also yf the master of an hospitall alieneth  
all alieneth any landes of his hospitall, this is su con-  
a discontinuance and his successours can nat fratrūm  
entre, but is put to his wyp. De ingressu sine et lozomū  
assensu contrarūm and lozorum.

**C** But yf a glon or wycare of a churche wyl  
alien any of his glebe landes to another in fee  
simple or in fee tayle, & dyeth or resygneth hys  
benfyce, this is no discontinuance to hys suc-  
cessour, but he may very well entre, natwiths-  
standyng such alienation made by his pdecessor  
And the hyghest wyp that a person ē haue yf  
his pdecessor hath aliened his glebe late or lost  
it by defaute or reddicions is a Juris virum.

**C** And furthermore note that no tenanc yf the  
lande can by his or thyp acte discontinu the  
ryght of hi in the reuerston onles it be by a fes-  
fement with lypety and sealon, or els by a celes  
with warraunte.

**C** And note that suche thynges as passeth by  
way of graunt by dede without lypety and se-  
lon can nat be dyscontynued as auowson, com-  
mon, or vyllayne ingrosse, reuersion, ret charge  
common for bestes ectene and suche other lyke

**C** Also ye shall understande, that in the xxiiij.  
yere of this kynges most noble reigne, it is ins-  
acted, þ no sine testement or other act to be made  
or suffered by þ husbande onely, of any lādes or  
tenementes beyng þ inheritance or fee holdes of

Juris virum.

No. 1. fol. 6. by þ  
of the law vol. 1  
graunt whiche  
þ Grifin or  
colouf wher  
ranchly.

graunt wher he  
þ folon no 8  
J. continuae

32 - H. 8. stat.  
test no art of  
þs husbande or  
þs wife or  
þs children of  
lands to zopen  
þynges right

## Of discontynuaunce.

his wyke duryng the couerture betwene them  
shalbe any discontynuaunce therof or be p[ro]p[ri]et[ary]  
diciall or hertfull to þ[er] layde wyfe or to her heyy  
res, or to such as shall haue ryght tytle or in  
trest to the same by the death of such wyfe but  
that the same wyfe and her heyyres, and such  
other to whom such ryght shal appertayne af  
ter her decesse may than lawfully enter into all  
suche landes & tenementes accordyng to theyz  
ryghtes and tytles therin.

**C**Howe recoveryes by collusion agaynst te  
nauntes for terme of lyfe is no discontis  
nuunce, inacted. An. xxii. H. viii.



Here diuise persons sealed of  
landes and hereditamentes, as  
tenauntes by the curtesy of Eng  
lande, or otherwyse onely for  
terme of lyfe or lyues haue hers  
tofore suffred other persons by  
agrement or couyn betwene the  
had, to recover the same agaynst them in the  
kynges court by reason wherof, they to whom  
the reuersyon or remaynde therof hathe belon  
ged, haue after the deatthes of suche tenuantes  
bene dynen to theyz actions for the reconys  
nnance and obteynynge of the layde lades and  
tenementes so recovered, and some tym[e] haue  
bene clearly disherited of the same, it is inacted  
that all suche recoveryes hereafter to be had by  
agrement of the partie or be couyn, agaynst  
any such particuler tennant of landes or heres  
ditametes, wherof he is or hereafter shalbe sea  
led, as tennant by the curtesye of Englannde, te  
naunt in tayle after possibillie of issue extinde.

**Of Wrongfull disseisin.** Fo. lviij.

Or otherwile for terme of life, shal frōbēceforch  
as agaynt luche psons to whom the reversion  
or remayndre shall thā appertayne & agaynts  
th̄:ȳ heires and successours, be clere lyvde.

**C**l Provided þ this acie extende nat to any go-  
lone that shall by good tytell recouer any heres-  
ditamētes without fraude or couyn agaynts  
any such p̄icular tenante by reason of any for-  
mer ryght or tytell, nor yet to auoyde any recou-  
very to be had agaynst any such p̄icular es-  
taunt by chassent and agremēt of those in þ re-  
version or remādye, and so þ such assent & agre-  
mēt do appear of recorde in the kynges court.

**C**howe wrongfull disseisin is no dissent in  
the lawe, inacted. Anno. xxiiij. Henrici  
viii. Capitulo. xxviii.

**W**Here diuerse persōs haue by streghth  
and without tytle entered into lāc es  
and tenementes and wrongfull dy-  
sleyed & dispossessed the ryghtfull owners and  
possessours therof, & so beyng sealed by dys-  
seisn haue therof dyed sealed by reasone of  
whiche dyeng seised, the parties þ were so dis-  
seised and dispossessed of such other persōs as  
before luche dissent myght haue lawefullie en-  
tered into the sayd landes & tenementes be theres  
by clere ly excluded of theyz entre into the same  
and put to theyz action for theyz remedy & res-  
couery therein: it is inacted, þ the dyeng seised  
here after of any luche disseisour haupnge no  
ryght or tytell therin, shal nat be dauned any  
luche dissent in þ lawe to take away the entres  
of luche persons or theyz heires whiche at the  
eyne of the same dissent had good title of entres  
þ. l. into

If a diff'ret have  
peacable posses/  
in land for  
verrege after  
the disselin  
and by seised  
not claime this.  
it shall bag this.

### Of prescription.

into the same. Except þ suche disseisor hath  
had the peacible possession of the landes or res-  
tamentes wherof he shall so dye sealed by the  
space of lyue yeare next after the disselin by  
þym committed without entre or contynual claps-  
me by suche as haue lawfull tytle therunto.

**C** The limitation of prescription ins-  
acted. In xxiiij. v. viii.

Limitatō  
st. xl. yers.

**N** O yson shal sue or maiintayne any wyppe  
of ryght, or make any tytle or clame  
to any landes tenementes, rentes, annuit-  
ties, commons pensions, portions, coxodies,  
or other hereditametes of the possession of his  
auncestor or predecessor, & declare any furs-  
ther leisin or possession of his auncestor or þe  
decessor but onely of the leisin or possession of  
his auncestor or predecessor, whiche hath ben  
seised of the same within. xl. peres nexte before the  
feaste of the same wyppe, or nexte before the  
layde tytle or clame, so to be sued.

Limita-  
tion of. l.,  
peres.

Limita-  
tion of. xxx  
peres,

**C** Also none shal sue or mayntayne any assylo  
of Mortances or, conyslage ayle, wyppe of ent-  
re vpon disseisyn done to any his auncestours  
or predecessors, or any other action possessarie  
vpon the possesyon of any his auncestours or  
predessours, for lades or hereditametes or  
further leisin or possession of the, but onely his  
leisin or possesyon whiche was leysed therol  
within syly peres nexte before the teste of the  
originall of the same wyppe. And none shal mai-  
ntayne action for landes or other hereditametes  
vpon his owne leisin or possession therin, ab-  
oue. xx. peres nexte before the teste of the ori-  
ginall of the same wyppe.

Item

Of prescription. Fo. lviii.

**I**tem none shall make any auowrye or  
constaunce for any rent, lute, or seruyce, and al-  
ledge any seisin of þ same in his auowry or co-  
nstaunce in possession of his auncelours or prede-  
cessours, or in his owne possession, or in the  
possessio[n] of any other whose estate he shall clay-  
me to haue, aboue sytynge yeres nexte before the  
makyng of the sayd auowrye or constaunce.  
**M**oreover all foymdones in reuerter, foymdo-  
nes in remainder, and heire facias vpon fines  
of landes or other hereditamentes to be sued,  
shalbe taken within sytynge yeres nexte after the  
tytle of auctio[n] faille. And if any do sue any of the  
sayd actio[n]s or wyrtes for landes or other heredi-  
tamentes or make any auowrye constaunce pres-  
cription or claime for any rente, lute seruyce,  
or other hereditamentes, and can nat prove þ  
he or his auncelours or predecessours were in  
actuall possession or seisin therin at any tymis  
within the yere before limited, if the same be  
clauersed or denied be the partye plaignyng de-  
maundant or auocant or by the partie tenaunt  
or defendant, he and his heires shal fromhens-  
forth be utterly barred for euer of every þ sayd  
wyrtes, actions, auowries constaunce prescrip-  
cion, tytle, & claime hereaffter to be sued or made  
for the same landes or other the premisses, for  
which such action wylt auowry, constaunce, tyl-  
le or clayme hereafter shalbe sued or made.

**C**hayped, that all persons whiche nowe  
haue any of þ layd action, wrytes, auowyses  
Heire facias, consaunce, prescrpcion, tytle, or  
clayme dependyng, or that hereafter shal lewe  
or bryng any of the layde wrytes, or actions,  
or make any of þ layd auowyses, consaunces,

## Of prescription.

whē this  
stat. shall  
take ef-  
fect.

prescription, tylles, or clayme at any tyme besore the feast of þ Ascension of our Lorde which shalbe in the yere of our Lorde a thousande syue hundreth forty and syxe, shal alledge the season of theyr antecessours or predecessors, or theyr owne possession & seazon, & also haue all other lyke aduantage in the same, wrytes, actions, auowyses, consances, prescriptions, & claymes as they myght haue had before the makyng of this statute. Pronyded also, that yf any person be now within the age of .xxi. yeres, or couerte baron, or in prisyon, or out of this realme, nowe beyng cause to brynge any of the sayd wrytes or actions, or to make any auowyses, consances, prescriptions or claymes it shalbe lawfull to suche person, to sue or brynge any of the sayde actions, or to make any of the sayd auowyses, consances, titles or claymes at any tyme within syxe yeres nexte after such person nowe beyng within age, shal accomlyshe the age of .xxi. yeres, or now beyng couerte baron, shalbe sole, or now beyng in prisyon, shalbe at theyr liberty, or now beyng out of this realme, shal come & be within this realme. And that every such persones in theyr sayd actions auowyses consances titles or clai mes to be made sued or comended within the sayde syxe yeres, shal alledge the season of theyr antecessours or predescessours, or of theyr owne possessyon, or of the possession of those whose estate they shall then clayme. And also within the same syxe yeres shal haue lyke aduantage in the same, as they myght haue had before þ makyng of this acte. Pronyded also, that yf the sayd persons now be beyng within age, or couerte baron, in prisyon or

Of prescription. Fo. lix.

out of this realme, do dye within age, or beings  
couert, or in prisyon, or out of this realme or de-  
cease within vi. yeres next after they shall accom-  
plishe theiȝ full age, or shalbe at large within  
this realme, or shall become sole, & no determina-  
tion or iugement had of suche tytle actions  
or ryghtes so to them accrued, then the next  
heyre of suche persones shall enioye lyke answ-  
erage to sue demandes aduowe declare or make  
theyȝ sayd tytles, claymes or prescriptions. Wi-  
thyn syxe yeres nexte after the deathe of suche per-  
sones, as the same infaunte after his full age,  
or the layde woman couert after the deathe of  
her husbande, or the same persone beyng oute  
of this realme after his repayre or commyng  
into the same, or the layde persone impysloned  
after his enlargement and commyng oute of  
prisyon, myght haue hadde within vi. yeres  
then nexte enswynge by force of the provision  
laste before rehersed.

¶ Provided also, that yf any persones before  
the layde feaste of the Ascension sue any of the  
sayd actions or make any aduoyce tytle or  
clayme, and the same happen by the deathe of  
any þ partys therunto, to be abated before ins-  
gemente or determination therof had then the  
sayd persons beyng demandantes, or aduo-  
entes, or makinge any suche consylance, pres-  
cription, tytle, or clayme beyng then on lyne,  
and yf nat then theyȝ nexte heires, maye com-  
mence theyȝ action and make theyȝ aduoyce  
tytle consylance or clayme vpon the same maner  
within one yere nexte after such sute abated, it  
shall haue lyke aduaantage to sue demandes &  
aduowe declare or make theyȝ sayd tytles claymes

### Of fines.

or prescriptiōns whiſt the layde one were, as the  
dēmādauntes in ſuche wyp or ſute abated, or  
as ſuch as dyd auowe or make conſaunce, tytle  
claynt or preſcription, myght haue enioyed in  
the layde former action or ſute.

**C** Prouyded furthermoxe, that if any falſe  
verdit hereaftir be gauen in any of the layde  
actions, ſutes, auowypes, preſcriptions, tytles,  
or claymes the the party greued mare haue his  
attayn vpon every ſuche verdict, & þ plavntyſe  
in the ſame attayn vpo iudgement for hi gruen  
ſhall haue lyke recovery, execution and other  
aduantage as heretofore hath ben uſed.

### Of fyndynges.

**F**ynes haue theyr name, bycauſe they make a fyndallende and  
determinatiōn of all ſutes ſteppes and debates betwene me,  
for the due leuyng wherol. It was inacted i the tyme  
of kyng Henry the vi. that they muſt be ſolemyng before the iuſtiſes of the  
comon place reude & proclaimed the ſame terme  
and the termes nexte folowyng the ingrolement,  
at whiche tyme al the pieſes muſte ceale,  
And ſuche fyndynges ſhalbe a luffycyent barre and  
diſcharge agaſt all plons, lauyng women þ  
be couert barde if ſuch women be nat priuie to þ  
ſame fine, or ſuche as be wiſt age, i prisid out of  
the realme, or out of thei ryght myndes. But  
theſe fyndynges ſhall nat conclude ne bar al ſtraygers  
whiſt haue riȝt to eȝtre or to haue action, þ  
they come wiſt v. yeres aftre ſuche proclamations  
made

Fino. A. vi. conte  
kouſt. Luis.

5 yeres after  
yelumatiō  
maro

## Of fines.

Fo. ix.

made ors in case the cause of action falleth vnto  
the after the fyne so duely leuyed) ys they come  
and commence theyr action and sue within .v.  
yeres next after luch cause of action to them ac-  
crued. And they may sue agaynst the takers of  
the proktes. But ys they that haue ryght  
thereto be wthin age, in prison courte baron,  
out of the realme or nat in theyr ryght memorie  
then theyr title or entre shalbe sauе vnto them  
tyl they be of full age, out of prison, dyscouered  
and sole wthin the realme or of ryght mynde.  
and then wthin fyne yeres after theyr action  
or entre muste be sued or made with effecte.

**A**lso by the sayd statute it shalbe a good ple-  
for all straingers to saye, that they p were par-  
ties to the fine nor none other to theyr vse, had  
any thynge in the tenementes or landes at the  
tyme of the leuyeng of the fyne.

**F**urthermore in y. xxii. yeres of this kynges  
for thodouoydynge of certayne doubtes and am-  
biguities, it was inacted, that all fines as well  
heretofore leuyed, as hereafter to be leuyed ac-  
cordyng to the sayde statute of Henry the vii.  
by any person of the full age of .xxi. yeres, or  
any landes or other hereditametes beyng, be-  
fore the fine leuyed, in any wyse tayled vnto hi-  
or to any of his auctestours in possession reuers-  
sion remaindre or in vse shalbe immediatly ac-  
see the same fine leuyed ingrossed & proclama-  
tions made a sufficent barre and dyscharge for  
ever aswell agaynst hym and his heires clays-  
myng the sam: only by force of any Inche en-  
cayle as agaynst all other to theyr vse, so that  
the same fines be nat leuyed by any woman at  
or the deeth of her husbande, contrary to y sta-

v. yeres after  
cause of artis

Wards.

### Of fines.

anno. xi.

h. viii.

anno. xii.

h. viii.

tute made the xi. yere of Henry the sevente of  
landes and tenementes of thineritance or pur-  
chase of her husbāde or of any of his aūcestors  
geuen to her in dower, for cerine of lyke, or in  
tayle in vse or in possession. Excepted also all  
fines leuyed or to be leuyed of any such landes  
or hereditamentes as þ owners therof by any  
special acte of parliament made synt the sayde  
fourth yere of Henry the viii. be rellapned fro  
makyng any alienations discontinuances or  
other alterations of the same. Also of such lā-  
des as be now in sute and variance in any of þ  
kynges countes, or whereof any eydences be  
nowe in demaunde in the chaūcery, or whiche be  
all redye recovered. Excepted also fines leuyed  
or to be leuyed by any person, of landes or tene-  
mentes graunted to hym or to his aūcestours  
in tayle eyther by the kynges letters patentes  
or by vertue of any acts of glyament, wherof þ  
reuerſion is in the kyng. And confirmed in the  
xxiiii. yere of Henry the viii.

### ¶ Of testamente or last wylles.

Test. manis  
testatio.

wrytten  
testamēt.

Testas.  
mer. nūcu-  
patiue.



Estamentum in latyn is as  
much to saye as mentis testa-  
cio that is a declaratiō of wit-  
nessyng of a mans mynde.  
And there be two sortes of te-  
stamente. The one is called te-  
stamentum scriptum, that is  
a wrytten testamente, or a false wyl by wryt-  
tyng, and the other is called testamētum in-  
tercupatum a testament nuncupatiue, whiche is  
wher a man doth expresse by mouth his last wyl  
and testamēt without wrytting, by calling þe  
þose hym certayne of his neyghbours in whose  
presence

Of testementes .      Fo. lxi.

presence he dothe signifie by wordes his laste mynde and wyl. And this for most part inē vse to do when for fere of sodennes of dethe, they dare nat abyde the wrytyng of theyr wyl. And this wyl( onlesse it be in certayne cases) is as stronge and as sur, as is a testament or laste wyl put in wrytyng and sealed with the seale of the testator.

¶ Also though a testament by wrytyng be nat sealed with the seale of the testator, yet is the testament good and effectuall in the lawe.

¶ And ye shall al o marke, that where a man maketh on s his testament and wyl and after warde maketh another wyl by wordes of his last wyl be pured before þ Ordinary & by him put in wrytyng and insealed with his seale, such last wyl shal auoyde the fyre t wyl, onles it be in special cases, and so alway the latter wyl and testament shal auoyde the former.

¶ Fynally by an acce made the .xri. vere of kyng Henry the eyght, it was ordyned that where part of the executors named in the testement wherin any landes o; tenementes be wylled to be solede by them, refusethe to take vpon the the administration, and the residue do take the charge and administration vpon them, in this case all bargaynes and sales in the sayde landes made onely by those executors þ take the administration of the testamente vpon them, shalbe as good and effectuall, as yf al the residue of the executors so refusyng had soyned in the makinge of the bargayne and sale.

¶ The difference betwene executors  
and administratours.

¶.ii.

(Cxxv)

## The difference betwene.



Assetes i  
the hand-  
des of ex-  
ecutour.

Administr-  
ator,

Execu-  
tor of  
his owne  
wronge.

Executioners is when a man maketh his testament & laste wyll and therin nameþ the person whiche shall execute his testa-  
ment, then he that is so named is his executour, & such an exe-  
cutour shall have an action as  
gaynst every detour of his testatour. And yf þ  
executours have assetes that is to saye sufficiët  
in theyz handes then shall every one to whom þ  
testatour was in det haue an action agaynst  
the executours yf he haue an oblygation or espe-  
cialty to shewe. But in every case where the te-  
statour myght wage his lawe, there no action  
lyeth agaynst the executour.

Administrator is he, to whō the ordinary  
comytteth the administration & bestowyng of  
the goodes of a ded man for defaute of an ex-  
ecutour. And action shall lye agaynst hym and  
for hym as for an executour, & he shalbe char-  
ged to the value of þ goodes of the ded and no  
further, yf it be nat by his false plee, or for that  
he hath wasted the goodes of the ded. But yf  
the administratours dye his executours be nat  
administratours, but it behoueth þ ordinary to  
comy whole a newe administration. Howe be it yf a  
straunger I meane hym that is neþher executour  
named in the testament and laste wyll nor  
yet administrator appoynted by the ordynary  
wyll take the goodes of the ded and minister  
of his owne hed and mynde without lawefull  
auctorite, this person shalbe charged and sued  
as an executour, and nat as administrator in  
an action whiche is brought agaynst hi by any  
creditor. But yf the ordynary make a letter

Of testamenteſ. Fo. Ixii.

ad collendū bona de fructi, he that hath ſuche  
a letter is nat administrator, but the action  
lyeth in this caſe againſt the ordynary, as well  
as þe roke the goodes by his owne hande, or  
by the hande of any other his ſeruaunt by any  
other commaundement.

A lettref  
ad collē  
genda.

C In acte for probate of testamenteſ.  
made. An. xxi. H. viii.



Oþyrgre Malbe taken by any  
hauyng auctorite to take pa-  
bation inſinuacion or appro-  
bation of any testament where  
the goodes of the testatour do  
nat amount above the value of  
L.s. except to þe ſcribe for wyp-  
synge therof. vi. d. And for the comiſſion of mi-  
nistratiſon of the goodes of any dyng intestate  
nat beyngh lykewylle aboue. L.s. vi. d. Also none  
hauyng power to take probate of testamenteſ  
shall refuze to approue testamenteſ beyngh law-  
fullly offered vnto them in wypinge with ware  
charte affixed redy to be ſealed, ſo that they be  
lawfullly proued before the lame ordynary to be  
true. And when the goodes of the testatour do  
amount aboue an. L.s. and nat excede. xl. li. none  
shall take for the probacion regestrynge ſea-  
lyng and wypynge of any ſuche testament as-  
houe. iiis. s. vi. d wherof to be to them that have  
auctorite to take the probation. ii. s. vi. d. and  
the other. xi. d. to the ſcribe for regestrynge,  
C And wheres the goodes amount aboue. xl. li.  
that over. v. s. to be take, wherof to be to them  
that have auctorite to take the probation. ii.  
s. and xi. d and the other. iiis. s. vi. d; to the ſcribe

60

## Of testamente.

for the registryng, or els ys he refuse that. ii.s.  
vi.d. the he to haue for every x. lings every lyne  
conteynyng in length, x. yches. i.d.

**A**nd they that haue auctorite as is above  
sayde shall approue insinuate scale and reges-  
ter the tenementes and deliuer them sealed w  
the seale of theyz offyce to the executours for the  
same aboue sayd and y with convenient sped  
without any frustratory delay.

**A**nd ys any person dye intestate or threecou-  
tours refuse to proue the testament, than they  
hauyng auctorite as is abouesayde, shal graffe  
chadmiracion of the goodes to the wydwowe  
of the persone deceased or to the next of kynne  
or to bothe after theyz discretion, takyng succes-  
sione of the for true administracion of the goodes  
and dertes, which they shall be so auctorised to  
minister. And wheres one or dyuers clayme  
chadmiracion as nexte of kyn whiche be es-  
gall in degré of kyndred, or where any one plon  
desireth the administracion as nexte of kyn wher  
in dede divers persones be in equalite of kyn-  
red, then in any such case the ordynary shalbe  
at lybertie to take one or mo makynge request.  
And where divers require the administration,  
or where but one or mo of them s nat al beyng  
in lyke degré, make request than the ordynary  
that admit the wydwowe and hym or them onely  
makynge request or any of them, takyng no  
thyng for the same where the persone deceased  
dyed nat worth. L.s. And ys he dyed worth. L.  
s. and nat about. xl.li. than. li.s. vi.d. onely to  
be taken. And the executour or administratour  
sallynge to hym the dertes two at the least of  
such persons to whom any legacy was made

**Succyde,**

Of testamenteſ.      Fo. xlvi.

and þt they refule than. iि. nexte of hym to þt per-  
son deceased and in their defautes. iि. other ho-  
nest persons shall by theyz discretions make a Invento-  
true inuentorize indented of all the goodes, ryz of  
whiche persons swerynge before the byshop or goodes,  
his offyces to be true, shall delyuer þt one pacc  
therof vnto thē, & þt other kepe with hym selfe  
And none haupnge authorytie to take probate  
of testamenteſ upon payne contayned in thys  
statute shall refuse to take any ſuche inuentorize  
preſented or tended to them.

**C**þrouyded, yf any person shall diſpoſe or  
wyl by his testamens any landes or heredytas-  
mentes to be ſolde, that the money or prouytes  
of the fame be accompted for goodes or catels.  
And they haupnge the auctorite abone layde  
vpon the delyuerie of the ſeale and ſigne of the  
testator ſhall cauſe þt fame to be defaced and  
incontinent ſhall delyuer it to the executor wi-  
thout any clayme, and yf any requyrie a copy of þt  
testament and inuentorize, þt they haupnge au-  
toſtice or theyz minifters, ſhall without delaye  
delyuer the ſame takyng therfore and for the  
regestryng of the fame as before or elz for  
ver y ten lynes. i. v.

**C**þrouyded, that where they haupnge au-  
toſtice as is abouelaid haue vſed to take leſſe  
for þt probate of testamenteſ or other thynges  
concernyng þt fame þt is here ſpecified, they  
ſhall take as they dyd before this acte.

**C**Nowe yf any that haue auctorite to take  
probate of testamenteſ or theyz minifters do at-  
tempte agaynſte this acte, they ſhall loſte for  
every tyme to the party grieved as much mony  
as they ſhal take contrary to this acte. And ouer  
þtad

## Of testamente.

that x. & the one halfe to the kyng the other to  
the party grieved, that wyll sue by action of de  
bailly information or otherwyse in any of þ kyng  
ges courtes. wherin no essoyne protection nor  
wager of lawe shalbe alowed. And every of the  
shalbe charged for him selfe and for none other.  
**C**þþouyded, that every one hauyng auctos  
tysse aboue sayde, may cal before the every pers  
son named executour, to the intent to pronie and  
refuse the testament and to brynge in intenta  
ties and to do every other thyng concernynge  
the same, as they myght before this acte, so þ  
neither they nor theyz ministers shall take as  
bove the fees limited by this acte.

**C**Howe landes and tenementes maye be by  
testament or otherwyse dispensed  
inacted. An xxiiij. H. viii.

**E**very person hauyng landes or other he  
reditamentes holden in socage, or of the  
nature, and nat hauyng any landes or  
hereditamentes holden of the kyng by knygh  
tes seruice, or socage tenure in chiche, or of the  
nature of socage tenure in chiche, nor yet of any  
other persone by knyghies seruice: maye gyue,  
dispose, and deyspose, as well by testamant in wry  
tyng, as otherwyse by any acte lawfully ex  
ecuted in his lyfe, all his sayde landes or heredi  
tamentes or any of them.

**C**And every person hauyng landes or other  
hereditamentes holden of the kyng in socage  
or of the nature of socage tenure in chiche, and  
hauyng also any other landes or hereditamen  
tes holden of any other persone in socage or in  
wry

Of testamenteſ. Fo. xliliſ.

the nature of ſocage tenure, and nat hauyng  
any hereditamētes holden of þ kyng or of any  
other by knygħtes ſeruycē may from the layde  
tyme gyue and deuyſe al well by testamente in  
wypſig, as otherwyſe by any acte lawfully ex-  
ecuted in hiſ lyke, all and euerie of them at hiſ  
pleaſure. Hauyng to the kyng all hiſ ryght  
of pymere ſeason and reliefs, and also al other  
ryghtes and dutiess for tenures in ſocage or of  
the nature of ſocage tenure in chiefe, as herto  
for hath bene accuſtomed, the ſame to be takeſ  
and ſued out of the kynges handes by the plor  
to whom any ſuch landes ſhalbe diſpoſed or de-  
uyſed in lyke maner as hath bene uſed by any  
heye or heyres before the makynge of thiſ ſta-  
tute. And hauyng & reſeruyng alſo fyndes for  
alienatiōns of ſuche laudes & hereditamenteſ  
holden of the kyng in ſocage or the nature of  
ſocage tenure in chiefe, wherof ſhalbe any al-  
teration of freholde or inherytance made by  
wyll or otherwyſe as is aforesayde.

Item all persons hauyng landes or other  
hereditamenteſ of eſtate or inheritance holden  
of the kyng in chiefe by knygħtes ſeruycē or of  
the nature of knygħtes ſeruycē in chiefe may  
gyue wyl or assigne two partyes of the ſame in  
thre partyes to be deuyded or elſ as muſche ther  
of as ſhall amoūt to the perly value of two par-  
ties of the ſame in thre partyes to be deuyded in  
certayneſy and by ſpecial deuillid as it may be  
knowe i ſeveraltie, for þ auāſement of hiſ wyk  
þkermet of hiſ childre, & paymēt of hiſ debt, or  
otherwiſe at hiſ pleaſure. Hauyng to the kyng  
al well the wardeshyp and pymere ſeason of as  
muſch as ſhall amoūt to the clere perly value of

Primer  
ſeason  
reliefs,

the

## Of testamente.

The thyrde parreth crof without diminution do-  
wer, fraude, couetn, charge or obydgemēt ther  
of, as also all fines for alienations of all suchs  
landes holden of him by knyghtes seruice in  
chiese wherof shall be any alteration of fees  
holde or of heritaunce made by wil or otherwysse  
¶ And every person bauynge landes or ten-  
mentes of estate of inheritance holden of the  
kyng in chiese by knyghtes seruice, and other  
landes holden of him or of any other by knygh-  
tes seruice or otherwyls maye gyue or assygne  
by his testament or otherwyls as is aforesayde  
two partes therof in thre partes to be dewyded  
or els as much therof as shal exēde to the verly  
value of two partes or be deuided in certeyny  
Bauynge to the kyng aswell the wardeshype  
and primer season of as much, as shall amount  
to the verly value of the thyrde parte, without  
diminution. &c. As also all fynes for alienatiōns  
as is aboue sayde.

Fines for  
alienatiōns  
ouer.

¶ Item every persone holdynge landes or tes-  
nemētes only of any other than of the kyng by  
knyghtes seruice and other lades and tenemē-  
tes in socage or of the nature of socage tenure  
may gyue dispose or assygne by testamente or  
otherwyls two partes therof holden by knyghtes  
seruice or as much as shall amount to the full  
verly value of two partes. And also all þ lades  
and tenementes holden by socage or of the na-  
ture of socage tenure at his pleasure. Bauynge  
to the lordē of the landes and tenementes hold-  
den by knyghtes seruice for his wardeshyp as  
much therof as shall amount to þ clere verly va-  
lue of the thyrde parte without diminution. &c  
¶ And every glon holdynge onely of þ kyng  
by

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Of testamenteſ.      Fo. lxy.

by knyghtes ſcruyce but nat in chyfe, or hols  
dynge of the kyng by knyghte ſcruyce, and nat  
in chiefe, and also other heredycamenteſ of oþ  
ther by knyghtes ſcruyce, and holdynge also  
other heredycamenteſ of any other perſone in  
Hocage or of the nature of ſcorage tenure, may  
ſpue and auſſure by his laſte myll or otherwyſe  
two partes of þis holde of þis kyng by knyghte  
ſcruyce and two partes of that is holden  
of any other perſon by knyghtes ſcruyce, or as  
much as cyþer of them as ſhal amount to the  
full perely value of two partes and also all his  
landes and tenementes so holden in ſcorage or  
of the tenure of Hocage tenure, Haupnge as  
well to the kyng the waedeslypp of as much as  
that extende to the clere perely value of þis thysde  
parte of the ſame ſo holden of him by knyghte  
ſcruyce without diminution. &c. As also to the  
lodes of whome any of the ſayde landes bene  
holden by knyghte ſcruyce for waedeslypp as  
much of þis ſame as ſhal amount to þis clere perely  
value of þis thysde parte in maner aboue declared  
¶ And þt that thysde parte which in any of the  
caſes aboue ſayd ſhal come to the kyng do nat  
amount to the clere perely value of the full. iii.  
partes of all the ſayd heredycamenteſ wherof the  
kyng ſhalbe myȝted to haue þis culod by pris  
met caſion: than the kyng maye take into his  
handes as much of thother two parties of the  
ſayde heredycamenteſ as with that of the ſame  
heredycamenteſ remaynynge in his handes ſhal  
make up the clere perely value of þis thysde partes  
therelio to be had to hym in tyme of waedes  
lypp and pymeſealon. And lyke benefyte to  
be givien to every lord of whome any ſuch

þt.      hysse

## Of testamentes.

heredistament shall be holden by knyghtes seruice concerneynge only hys thyde part for tynges of war desyppye.

C Also al ysses whal shal haue theryz lybertees for possessions reuerstions or remayndres, & also paynes relyeses and heretikes lyke as they shulde haue done before hymakyngh therof. And lynes for as syenarpes shalbe payde in þe chaucery vppon wrytes of entre in the post to be obteyned therfor comon recoveries to be suffered of any landes holden of the kyng. In chiche in lyke maner as is vised vpon alienacions of landes so holden chiche by syne of fesolement.

C Provyd þe in such cases where lynes for alienacions shalbe parde in þe chaucery for wryties of entre in the post as is aforesayde nowþer fine shalbe payde there for any such wrytie.

C Item wher, ii, or more persons holde of the kyng by knyghtes seruice jointlie to thame and to the lyties of one of them, & he that hath the inheritance therof dyeth, his heire beyng þe in age, the kyng shal haue the wardenage and payage of the body of such heire the lyke of the freeholder or freholders of the landes so holden by knyghtes seruice natwithstandynge.

C Hawynge to all wome such ryght a tyde of dower as they ought to haue of any lades tenementes to be assigned vnto the out of þe other partes of the layd lades tenementes seuered from the thyde part as is aboue sayd and noþer other wyse. And hawynge also to the kyng the reuerstions of all such tenementes in to þe dower and dower immediatly after the deaþ of such tenantes, þt they shal haþpen to dy, during the none age of the kynges warden.

## Cf mariages.

Fo. lxvi.

**C** Of mariages. inacted. An. 32. h. 2.

**I**t is inacted, that fro the fyfth day of July  
in the yere of our Lorde a thousande fyue  
hundreth and fortye, all mariages within  
this churche of Englannde contracted betwene  
lawfull ysons, as by this acte we declare al per  
sons to be lawfull þ be nat prohibited by God's  
hys lawe so mary, such mariages biynge con-  
tracte & solempnysyd in the face of the churche &  
consummate with bodelye knoylege or fracie of  
chyldyn or chylde beyng had therin betwene þ  
partys so maryed shalbe demed & taken to be  
lawfull, good & indissoluble, natwithstandyng  
any precontracte of matrymonye nat consum-  
mate with bodely knowledge eyther of the per-  
sons so maryed or both haue made wþ any  
other before the tyme of contractyng þ mary-  
age which is solempnised and consummate of  
wherof such lute is ensued or may enue as ar-  
toþ: and natwithstandyng any dyspensacyon  
prescription, lawe or other thyng granteid or  
confirmed by acte or otherwyse. And that no  
reservacyon or phibition, Goddes lawe except  
shall trouble or impeche any maryage without  
legytical degees. And that no pereson shall after  
the sayds fyfth day of July aforesayd, be ad-  
myred to any of the spetewall courtes  
Within this the kynges realme, or  
any his other lades and domi-  
nions, to any processe, ples  
or allegacion contrarye  
to this acte.

**C** Finis.

J.M.

Dou

Tabula.

**H**Ere it must be remembred that the nombre in this Table folowynge, doth expresse sheme the leake where you shall fynde your deuise and this letter I maketh menyon of the fyfte page of syde and this letter B. the seconde page of syde.

**A.**

<b>C</b> hatement of the myghte	folio	Lodissons in dede	fo. xxvii. b.
Decompt.	fo. xxxv.b.	Lodissons agaynst þ lawe	folio.
Dequyall.	fo. xxviii. a.	Lodissons repugnaunce.	xxix. a.
Administratour	fo. ixi. a.	folio.	xxix. b.
Ages of man and woman.	folio.	Lodissons impossible.	folio.
Byde prayer	fo. xxvii. a.	folio.	xxix. b.
Annuite	fo. xlviij. a.	Lodissons wherof estrangers	
Asseres in the handes of executours	fo. xlii. b.	shall take auantage.	
Distile.	fo. xxii. xxi. b. l. a.	folio.	xxix. b.
Returnement	fo. xxxi. a. xii. b.	Customes	fo. xlviij. a.
Answeryfo. xxv. b. lii. lviij. a.			

**B.**

Barre	fo. lviii. ix. a.
Male tenure	fo. vi. a.
Walterde	fo. xii. a. xlviij. b.
Burgage tenure	fo. xlviij. a.

**C.**

<b>C</b> astel warde	fo. xxvi. b.
Chatell	fo. iii. a.
Chatelles real and personal	folio.
Copy of court roll.	fo. vii. b.
Loouage	fo. xxvii. a.
Londicions	fo. xxvii. b.

**D.**

Damage in dower	fo. xi. a.
Damages	fo. xv. ii. b.
Double damages	fo. i. a.
Det	fo. iiii. xx. b. ii. iii. a.
Det agaynst the ordinarye.	folio.
Deuyse by custome of some	xlii. a.
brynghe.	fo. xlviij. b.
Deuyse	fo. xi. b. xv. b.
Diem clavis extreum.	xxix. a.
Disceint	fo. xii. xv. a.
Disclaimer	fo. xxxviii. b.
Disygmetes	fo. xxxv. b.
Disservis	fo. xviii. b.

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Dissellin of ret lecke	fo. 1. a.	folto.	b. b.
Ditres	fo. 4. b. & 2. 48. 51. a.	Forme of pledyng	fo. 26. b.
Ditres for escuage	fo. 34. a.	Frankalmoyne	fo. xlvi. a.
Tenante by Diuine seruyce.		Frankfee	fo. xvii. b.
folio.	xlii. b.	Frakmariage	fo. xliii. xviii.
Tenat i dower	fo. vi. viii. b.	freeholde	fo. iii. a.
Dower by custome	fo. 4. b.		
		G.	
Ciectide firme	fo. xxvi. b.	Grauntes by corporacions.	
Ciectide custodie	fo. xxvi. b.	folio	iii. b.
Enclosur	fo. l. b.		
Esthere	fo. xii. b.	H.	
Escuage	fo. xxxvii. b.	Hotehe potte	fo. xvii. b.
Escuage certen	fo. xxxvii. a.	Homage	fo. xxii. b.
Escuage vncerten	fo. 34. b.	Homage aūcestrel	fo. 37. b.
Eshopel	fo. xviii. b.		
Executours	fo. l. b. xii. a.	I.	
Executours of theyp owne		Infranchemētes	fo. xii. a.
wynges.	fo. xxi. b.	Ingressu line assentu Capit.	
Exynghysment	fo. ix. a.	folio.	lvi. a.
		Ingressu line assentu contras-	
		trū et cōsororum	fo. lvi. a.
F.		Inheritaunce	fo. iii. a.
Fee fealre	fo. xxxvii. b.	Inventori of goodes	fo. 63. a.
Fee simple	fo. xi. a.	Jointenautes	fo. 18. 22. a.
Fee table	fo. xlii. a.	Jointenautes of personell	
Fee only defyned	fo. xxii. a.	and real goodes	fo. xix. a.
Fees of offyce	fo. xl. b.	Jointenautes of a warden.	
Fynes	fo. lvi. b.	folio.	xxvi. a.
Fynes for alpenaryons.		Juris bret̄	fo. lvi. a.
folio.	lxviii. b.	Justyces of peace	fo. 53. b.
Forfaiture	fo. viii. xvi. a. xl. b.		
Formedone in ths discendrie		Knyghees seruice	fo. 32. b.
folio	lv. b.		
Formedone in the sonerter.		L.	
folio	lv. b.	Lett ad collegēdū	fo. lxii. a.
Formedone in þ remaynder	folio	Limitacion of prescrpcion.	

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Maerage	fo. 34. 66. a.
<b>D.</b>	
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Perceners	fo. xii. xvi. b.
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Probate of testamente	
Folio	xlii. a.
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Redissealin	fo. l. b
Reliefs	fo. xxxvi. xlii. lxiii. a
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Rent charge graunted by a tenante	fo. xx. b
Rentes	fo. clvii. a.
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Rent lecke	fo. xlvi. a.
Rent lervyce can nat be ap- poseyoned	fo. xlii. a.
Rent is incydent to a rovers	
<b>S.</b>	
Replevin	fo. clviii. a. b.
Rescous	fo. xv. a.
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folio	xxiiii. a.
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Heire facias	fo. lviii. a.
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Docage tenuit fo.	41. b. 43. a
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Hurrendie	fo. v. a.
Hurrendie of the olde lees	
folio	liii. a.
Huryuont holdethe place	
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<b>T.</b>	
Tenant for yeres	fo. iii. b.
Tenant for lyfe	fo. vi. b.
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Folio	vi. viii. viii. b.
Tenant by copye of courte rolle	fo. iii. b.
Tenantes in common	
Folio	viii. a. xii. b.
Tenant after possiblite of pissue eriynce	fo. xv. b.
Tenant at wyll	fo. iii. b.
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<b>G.</b>	

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Value of mariage	fo.36.a.	Wager of lawe	fo.1xi.b.
Wyllayne in grosse	fo.xiv.b.	Warde	fo.xxiii.b.
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**C**omes Tabula.

**M** D.

**¶ Imprynfed at  
London in fletestrete at the signe  
of the George next to saynt Dunstones  
churche by Wylliam Myddylton.**

**In the yere of our Lord god.**

**M.D.xlvii.The.xix.day  
of Marche.**





Fus secundum Ciceronem sum  
cuique tribuit  
The law (as Justinian Emperor said) is  
a corrupt and venomous will to  
be obeyed under his own.

10/10  
10/10